

Thursday, November 9, 2023
PERRY CITY COUNCIL MEETING AGENDA
This is an “Electronic Meeting” Web/Teleconferencing will be used to participate.
Go to www.perrycity.org for meeting access instructions

The Perry City Council will hold an electronic meeting at 3005 South 1200 West in Perry and via web/teleconference on the Thursday identified above, starting at approximately 7:00 PM. Members of the public may attend the meeting in person or may view the meeting via Zoom using a link and instructions on the web page at: <https://www.perrycity.org/whats-new.htm.htm>. 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 public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

Approx. 7:00 PM – Regular City Council Meeting

- 1. Call to Order**
- 2. Procedural Issues**
 - A. Conflicts of Interest Declaration(s), If Any
- 3. Action Items (Roll Call Vote)**
 - A. Ordinance 23-K Amending the Subdivision Code
 - B. Ordinance 23-L Site Design and Approval Requirements
 - C. Resolution 2023-22 Amendment to Lodge Lease Agreement
- 4. Minutes & Council/Mayor Reports (Including Council Assignments)**

No Council Action May be Taken if an Item is not specifically on the Agenda

 - A. Approval of Consent Items
 - September 14, 2023 City Council Minutes
 - October 3, 2023 Work Session Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 5. Executive Session (if needed)**
 - A. Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.
 - B. Strategy session to discuss the character, professional competence, or physical or mental health of an individual.
 - C. Strategy session to discuss collective bargaining.
 - D. Strategy session regarding pending, or reasonably imminent litigation.
 - E. Strategy session to discuss the deployment of security personnel, devices, or systems.
 - F. Discussion of investigative proceedings regarding allegations of criminal misconduct.
- 6. Approx. 8:30 PM - Adjournment**

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 3rd day of November, 2023. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, City Recorder

**Perry City
ORDINANCE 23-K**

SUBDIVISIONS

AMENDING THE SUBDIVISION CODE

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

WHEREAS, the State of Utah adopted S.B. 174, Local Land Use and Development Revisions, and such bill requires updates to local land use codes;

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.

...

Row	Annexation:	
Row	Annexation	\$800.00
Row	*Subdivision Fees:	
Row	Concept Application	\$100.00
Row	Preliminary Subdivision Application:	
Row	Residential Subdivision	\$300.00 plus \$100.00 per Lot
Row	Commercial Subdivision	\$500.00 plus \$100.00 per Lot
Row	~~Engineering and Design Application:~~	
Row	~~Residential Subdivision~~	~~\$300.00 plus \$125.00 per Lot~~
Row	~~Commercial Subdivision~~	~~\$500.00 plus \$125.00 per Lot~~
Row	Final Plat Application:	

Row	Residential or Commercial Subdivision	\$300.00 plus \$125.00 per Lot
...		
Row	Vacate a Street, Alley, Right-of-way, etc.	\$300.00
Row	Vacate a Subdivision	\$300.00
Row	*Site Plan Review (Design Review) and Conditional Use Permit Fees:	
Row	Site Plan or Conditional Use Permit	\$300.00
Row	Sign Permit	\$100.00
...		
Row	Land Use and Zoning Violations:	
Row	Violation	Up to \$1,000.00 per day or incident

* The City shall track the time and resources expended by the City to administer local and state codes and provide adequate engineering review and inspections for all Subdivision and site plan applications and shall require these costs to be paid to the City by the applicant.

HISTORY

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SECTION 3: Amendment. Section "14.02.050 " is hereby amended as follows.

1. Approval Process. The ... be, in sequential order:

a. Concept Review/Pre-Application Meeting (Optional). A Subdivider may elect to submit a concept plan for review. The concept plan review shall include an informal conference involving the Subdivider, the Community Development Director, the City Engineer, and Public Works Director, ~~and Fire Marshall~~. Comments from the City staff and other participants during such informal review can guide the Subdivider 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. Subdividers should anticipate that future review bodies 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.

b. Preliminary Subdivision Application. The Planning Commission shall be the Land Use Authority. It will discuss and review the application and then make a decision to approve or deny it. Property owners within three hundred feet (300') of the subject Parcel(s) shall be notified of the application.

~~c. Engineering and Design Application. The Community Development Director shall be the Land Use Authority and, in coordination with, but not limited to, the City Engineer, shall review the application and make a decision to approve or deny the engineering and design application.~~ Final Plat Application. The Community Development Director shall be the Land Use Authority and, in coordination with, but not limited to, the City Engineer and the City Public Works Director,

~~d. Final Plat Application. The Planning Commission shall be the Land Use Authority and shall~~ discuss and review such application and then make a decision to approve or deny the Final Plat application.

2. Subsequent Approval. Approval ... 15 of the PMC.

3. Exception. When a proposed Subdivision does not involve the development of new public infrastructure, an exception may be granted by the Community Development Director and City Engineer to waive the need for the ~~Engineering Preliminary and Design~~ Application.

4. Expiration.

a. Each active Subdivision application shall expire and be considered denied if approval is not obtained within six (6) months of submittal. At the request of the Subdivider, the applicable Land Use Authority may grant one (1) six-month (6) extension to keep the application active while corrections and updates are being made in pursuit of approval.

b. Each Subdivision application approval shall be valid for a period of not more than one (1) year. At the request of the Subdivider, 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. Final Plats must be recorded in the office of the County Recorder not more than ninety (90) days from the date of approval of the Final Plat by the Land Use Authority.~~ c. Final Plats must be recorded in the office of the County Recorder not more than two (years) years from the date of approval of the Final Plat by the Land Use Authority. If the plat is not recorded within the time frame given, all Subdivision approval shall be considered expired, null, and void, and the plat shall have not validity.

~~ed.~~ Expired applications shall be deemed null and void and require the Subdivider to start the Subdivision approval process over.

5. Denial. A Subdivision application may be denied by the Land Use Authority for failing to comply with the PMC, Public Works Standards, or applicable State statutes. Denial may be issued following the submittal of deficient plans and/or failure to provide the information and/or modifications properly requested by the City during any Review Cycle.

HISTORY

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SECTION 4: Amendment. Section "14.02.070 " is hereby amended as follows.

Notwithstanding the specific requirements ... all applicable Law.

1. Review of Submittals. The City shall follow the timeline and review requirements outlined in Utah Code Annotated 10-9a-604.2, or its successor statute.

2. Concept Review (Optional). The Subdivider shall contact the Community Development Director to arrange a time for a meeting to discuss the proposed Subdivision. The Subdivider shall submit a completed application and required fee.

~~23.~~ Preliminary Subdivision Application. The Subdivider shall submit the following:

- a. A completed Preliminary ... by the City Engineer).
- b. A signed Owner-Agent ... represented by another party).

...

- vii. Existing structures and ... and other unique features.
- viii. Data tables showing: ... of units per acre.
- ix. Preliminary landscape ~~plan~~and architectural plans (if applicable).
- d. For residential Subdivisions ... the Community Development Director.
- e. For residential Subdivisions ... shall implement this plan.
- f. Additional information as ... applicable codes and regulations.
- g. The information submitted ... as he/she deems prudent.

~~34.~~ Preliminary Subdivision Application Review. Within ~~fourteen~~fifteen (~~14~~15) business days of receipt of a complete application, City Staff and other invited regulating agencies and utility providers, shall review the submittals and provide comments/corrections to the applicant. Comments and corrections from this review process shall then be forwarded to the applicant and the Land Use Authority. When the comments and corrections from the review have been satisfactorily addressed, the application will be placed on the Land Use Authority's next available meeting agenda.

~~4. Engineering and Design Application. After receiving approval of the Preliminary Subdivision Application and satisfactorily addressing all comments and corrections, the Subdivider shall submit the following:~~ 5. Final Subdivision Application. After receiving approval of the Preliminary Subdivision Application and satisfactorily addressing all comments and corrections, the Subdivider shall submit the following:

a. A completed ~~Engineering~~Final ~~and~~Subdivision ~~Design~~ Application form and required fee.

b. A signed Owner-Agent ... represented by another party).

c. A digital copy ... minimum, the following:

- i. Show compliance with ... Works Standards and PMC.
- ii. ~~Complete~~Storm ~~storm~~ water ~~plan~~plans with calculations.
- iii. Plan and profile drawings for all roadways.
- iv. Utility plans.
- v. Detail drawings.
- vi. Written approval from ... Department of Transportation, etc.)
- vii. Engineers cost estimate for required Improvements and Infrastructure.
- viii. Landscape and architectural plans (if applicable)
- ix. Covenants, conditions, and restrictions (if applicable)
- x. For additional requirements see Chapter 14.03 of this Title.

d. Additional information as ... applicable codes and regulations.

~~5. Engineering and Design Application Approval. When the City Engineer deems the drawings to~~

~~be complete and acceptable, he/she shall approve and stamp and date the final set. Following the City Engineer's approval, and after finding the submittal to be complete and acceptable, the Land Use Authority shall issue approval of the Engineering and Design Application.~~ 6. Approval of construction drawings. When the City Engineer deems the drawings to be complete and acceptable, he/she shall approve and stamp and date the final set. Following the City Engineer's approval, and after finding the submittals to be complete and acceptable, the Land Use Authority shall issue approval of the Final Subdivision Application.

~~6. Pre-Construction Meeting. After receiving Engineering and Design Application Approval and before starting construction, the Subdivider shall work with the Community Development Director to schedule a preconstruction meeting. In no case shall any Improvement or Infrastructure associated with a Subdivision be constructed, in whole or in part, whether or not such Improvements and Infrastructure have been approved or guaranteed, without first holding a preconstruction meeting. City representatives to be invited to the meeting shall include the City Engineer, Public Works Director, and Community Development Director. This meeting shall be for the purpose of reviewing the codes, standards, and expectation of work associated with constructing a Subdivision with the Subdivider and the Contractor(s).~~ 7. Pre-Construction Meeting. After receiving approval of the Final Subdivision Application and before starting construction, the Subdivider shall work with the Community Development Director to schedule a pre-construction meeting. In no case shall any Improvement or Infrastructure associated with a Subdivision be constructed, in whole or in part, whether or not such Improvements and Infrastructure have been approved or guaranteed, without first holding a pre-construction meeting. City representatives to be invited to the meeting shall include the City Engineer, Public Works Director, and Community Development Director. This meeting shall be for the purpose of reviewing the codes, standards, and expectations of work associated with constructing a Subdivision with the Subdivider and the Contractor(s).

~~7. Final Plat Application Requirements. After receiving approval of the Engineering and Design Application, the Subdivider shall submit the following:~~ a. The Subdivider shall obtain a storm water permit with the State of Utah prior to scheduling the pre-construction

~~ameeting. A completed Final Plat Application form and required fee.~~

~~b. A signed Owner Agent Affidavit (if the Owner is being represented by another party).~~

8. Requirements to Record the Plat.

~~e. A storm water permit with the State of Utah if not previously submitted.~~ After receiving approval of the Final Subdivision Application, the Subdivider shall

~~d. record A digital copy of the Final Plat and a Mylar print for signatures.~~

~~i. The Final Plat shall be signed by the owner(s), the Mayor, the final Land Use Authority, the City Engineer, and the City Attorney.~~

~~ii. See PMC 14.04 for additional Final Plat requirements. Such representatives shall sign the plat after all requirements are met, the escrow guarantee has been funded, and all direct costs have been paid. The following items shall be recorded with the Final Plat:~~

~~ea. Final covenants, conditions, and restrictions (if applicable).~~

~~b. which Executed shall Subdivision be Improvement recorded with the Final Plat Agreement.~~

~~fc.~~ Final agreements (if applicable) executed by all parties.

~~89.~~ Development Agreements (Land Use Agreement). Agreements may voluntarily be entered into by the City and the Subdivider at any time during the Subdivision approval process in accordance with 15.01.070 of the PMC.

~~910.~~ Subdivision Improvement Agreement. The Subdivider shall sign a Subdivision Improvement Agreement as provided by the City. Such agreement shall be recorded with the Plat.

HISTORY

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SECTION 5: Amendment. Section "14.02.080 " is hereby amended as follows.

To assure the completion ... shall be required.

1. Cost Estimate. The Subdivider shall submit an engineer's cost estimate for all Improvements and Infrastructure required within the Subdivision as part of the ~~Design~~~~Final~~ ~~and~~~~Subdivision~~ ~~Engineering~~ Application. The cost estimate shall include quantities, units, and costs for all Improvements and Infrastructure required, and shall indicate which items have already been installed.

The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. Those items that are deemed ~~as~~ a "direct ~~fee~~"~~fee~~ or "direct cost" shall be removed from the escrow and shall be accounted separately.

2. Guarantee Amount. The ... by the City Engineer.

a. One hundred percent ... Infrastructure not yet installed;

...

c. Five percent (5%) ... uninstalled Improvements and Infrastructure.

3. Liability. The Subdivider ... the applicable Escrow Agreement.

4. Default. In the event the Subdivider is in default with any provision of this Section, or fails or neglects to satisfactorily install the required Improvements and Infrastructure within three (3) years from the date of approval of the Final Plat, or to pay all liens in connection therewith, or to correct deficiencies or damages to the Improvements and Infrastructure required for final acceptance (see Subsection 10 hereof), the City may declare the escrow forfeited and the City may install, repair, or cause the required Improvements and Infrastructure to be installed or repaired, using the proceeds from the collection of escrow to defray the expense thereof or the City may release the funds and vacate the plat. The City may apply all sums deposited in escrow against the cost of completing all required Improvements and Infrastructure and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, a ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees. The default provisions required hereby shall be included in the applicable Escrow Agreement.

5. Improvements and Infrastructure Required for Occupancy. No occupancy permit shall be issued by the City unless the Improvements and Infrastructure adjacent to and directly servicing the Lot or Unit is complete and warranted as herein required. This shall include, but is not limited to, Streets, Utilities, and Sidewalk.

6. Release of Funds. ... approval by the City.

7. Direct Costs. The Subdivider shall pay the following direct costs ~~at the time they submit the Final Plat Application~~ to the City prior to recording the Final Plat:

- a. Funds to create ... all Improvements and Infrastructure.
- b. Funds for the ... the City Engineer.

8. Conditional Acceptance of ... acceptance upon the following:

- a. Completion of all required Improvements and Infrastructure.
- b. The Final Plat ~~Application~~ has been ~~approved and the Final Plat has been~~ recorded.
- c. The Subdivider makes ... purpose of conditional acceptance.
- d. Improvements and Infrastructure ... acceptable and in compliance.
- e. Reproducible as-built drawings ... by the City Engineer.

9. Warranty Period. The ... Improvements and Infrastructure.

a. Exemption. Sidewalk, curb and gutter, meter lids, and other adjacent Improvements and Infrastructure may be exempted from the warranty period when a building permit has been issued on the adjacent property and a deposit has been received from the permittee to cover replacement of damaged sidewalk, curb and gutter, meter lids, and other Improvements and Infrastructure ~~sidewalk only~~. The Subdivider shall continue to be responsible for installation deficiencies.

10. Final Acceptance of the Subdivision. The City ~~Council~~ Engineer shall issue final acceptance of the Subdivision Improvements and Infrastructure when:

- a. The Subdivider makes ... purpose of final acceptance.
- b. Improvements and Infrastructure ... acceptable and in compliance.

~~11.~~ Upon acceptance by the City ~~Council~~ Engineer, ~~the City Engineer shall authorize release of~~ all remaining escrow monies shall be released.

HISTORY

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SECTION 6: Amendment. Section "14.03.020 " is hereby amended as follows.

...

2. Approval. Overall Street ... and adopted transportation plans.

3. Required Access.

a. A minimum of two (2) separate ingress/egress routes for vehicular access, which are fully improved Public Roads, shall be required when either of the following exist:

~~a.~~ i. The total number of equivalent residential units, or "ERUs", (including adjacent developments and neighborhoods) served by a single means of access will exceed thirty (30). Thirty (30) ERUs shall include all proposed residential units and all existing single-family Structures and Lots, empty building Lots, approved Accessory Dwelling Units, and each unit in a multi-family Structure (e.g. apartment building, duplex, etc.).

~~b.~~ ii. A development extends more than one thousand eight hundred (1,800) feet from a connecting Street.

~~c.~~ b. Access Spacing. Where more than one (1) means of access is required, the points of

access shall be placed a minimum of five hundred (500) feet apart, measured from center of right-of-way to center of right-of-way. The accesses shall provide separate and distinct access to Highway 89, a City collector road, or a City arterial road. The Fire Code Official may require a greater minimum distance than five hundred (500) feet if:

- i. An essential link ... and the requirement; and
- ii. The requirement is ... of the proposed development.

~~etc.~~ Exceptions. The Land Use Authority for the Preliminary Subdivision Application may waive these access requirements when any of the following exist:

- i. Unique topographic circumstances ... enhance public safety standards.
- ii. Where no point ... ERUs reaches sixty (60).

...

SECTION 7: Amendment. Section "14.03.050 " is hereby amended as follows.

1. The Lot arrangement, ... whenever possible and desirable.
2. Lots shall not ... unusable for normal purposes.
3. For Subdivisions containing more than three residential building Lots, no Lots shall directly access an arterial or minor arterial Street, 1200 West (Perry Street) or Highway 89. This provision may not be avoided by subdividing a tract of land in separate, small, incremental subdivisions.
4. All Lots shown ... by the City Engineer.
5. Each Lot shall ... Apartments, or commercial purposes.

...

SECTION 8: Amendment. Section "14.03.055 " is hereby amended as follows.

...

3. A Flag Lot ... under the same ownership.
4. The staff portion/access ... to a Public Road.
5. The minimum width of the access for a Flag Lot shall be sixteen feet (16') for one (1) Flag Lot and a minimum of 30 feet (30') (fifteen feet (15') for each Flag Lot) for two (2) Flag Lots located next to each other. The maximum width of the access shall be ~~sixty~~forty feet (~~60'~~40'), the maximum length shall be three hundred feet (300'), and the maximum grade shall be fifteen percent (15%).
6. No Structure or ... Engineer and Fire Marshall.
7. All property boundaries ... for purposes of setbacks.
8. The area of ... the Flag Lot's zoning.
9. Each Flag Lot ... to the access strip.

~~10. A turnaround at the end of the access shall be installed and the same shall be approved by the Fire Marshall.~~

...

SECTION 9: Amendment. Section "14.03.060 Utilities " is hereby amended as follows.

14.03.060 Utilities ~~To Be Underground~~

Utilities to be Underground. All Utilities, including those that are normally overhead shall be placed underground in all Subdivisions. The Subdivider shall establish final utility grades prior to Utilities being placed underground. Exception: wireless communication equipment.

Private Irrigation. Private irrigation pipes and related infrastructure that have served the property to be Subdivided shall be properly abandoned and sealed. The Subdivider shall trace service laterals back to a shared mainline and disengage, seal, and remove the service lateral and any associated gates, boxes and other infrastructure that are no longer needed due to the construction of the Subdivision. Such work shall be performed to the satisfaction of the City and the related water company/provider and shall be inspected by the City and the related water company/provider.

HISTORY

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SECTION 10: Amendment. Section "14.07.010 " is hereby amended as follows.

~~The~~In regards to money owed in connection with a reimbursement agreement or no access clause, the City, may, but shall not be obligated to, attempt to recover ~~reimbursement~~such funds ~~for the public Improvements and Infrastructure~~ from any property owner or subsequent Subdivider.

HISTORY

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SECTION 11: Amendment. Section "14.07.030 " is hereby amended as follows.

1. Application Requirements. The application for a reimbursement agreement shall be completed in conjunction with the ~~Engineering and Design Application and shall only apply to the current phase of the Subdivision. Applications will not be received for any phase that has previously received Engineering and Design Approval. The application shall include, at a minimum, the following:~~Final Subdivision Application and shall only apply to the current phase of the Subdivision. Applications will not be received for any phase that has previously received Final Subdivision Approval. The application shall include, at a minimum, the following:

- a. Payment of application ... from the reimbursement funds.
- b. Description of the ... owned by the Applicant.

...

2. Approval Process.

- a. Submit Reimbursement Agreement ... respect to the application.
- b. Application Approval. The authority to execute a reimbursement agreement shall be granted by the Land Use Authority in conjunction with approval of the ~~Design and Engineering Application.~~Final Subdivision Application.
- c. Reimbursement Agreement Drafted. ... a minimum, the following:

- i. Descriptions of all affected properties;

...

SECTION 12: **Amendment.** Section "14.07.050 " is hereby amended as follows.

...

- a. If the applicant ... fulfillment of the obligation.

- b. The applicant shall ... or use being commenced.

2. City. The City shall not be responsible to collect funds related to no access clauses. The City may be allowed to collect funds for reimbursement agreements. If the City is designated as the collector of the funds, the amount shall be forwarded to the designated recipient at the last known address listed in the agreement or as may otherwise be provided per the terms of the agreement. The City shall not be responsible for locating any beneficiary, survivor, assignee, or other successor in interest entitled to reimbursement. Any collected funds unclaimed within two (2) years after the date of collection shall be forwarded to the Utah State Unclaimed Properties Office in the name of the applicant or the known assignee or beneficiary of those funds. Provided the City actually forwarded the funds to the designated recipient as provided herein and has reasonable proof of doing so, then the designated recipient shall have no claim against the City for not actually receiving the funds. The designated recipient or its successors or assigns shall not have any claim to interest, penalties or fees related to the funds while the funds are in the City's possession or for the timing in which the funds are forwarded to the ~~designate~~designated recipient.

HISTORY

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SECTION 13: **Amendment.** Section "14.07.080 " is hereby amended as follows.

1. Any Person intending to develop or subdivide any land or to construct any Structures or other Improvements and Infrastructure upon any land that is identified in an approved reimbursement~~;~~ agreement or no access clause, shall be under an affirmative obligation to notify the City when applying for a building permit or land use approval or authorization for any development or construction, of the existence of the reimbursement agreement or clause and to make suitable arrangements for payment of the required share of the privately funded public Improvements and Infrastructure that benefit that Person's property.

2. Any Person who ... permit or commencing construction.

...

SECTION 14: **Amendment.** Section "14.09.010 " is hereby amended as follows.

1. Vacating, altering, or ... costs to the City.

2. The Land Use ... the Final Plat Application.

3. Lot line adjustments do not require an amended plat. The Land Use Authority for a Lot line

adjustment shall be the Community Development Director or designee.

4. Combining Parcels not in a recorded Subdivision does not require approval of the City.

HISTORY

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SECTION 15: 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 16: 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 _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	_____	_____	_____	_____
Toby Wright	_____	_____	_____	_____
Blake Ostler	_____	_____	_____	_____
Ashley Young	_____	_____	_____	_____
Dave Walker	_____	_____	_____	_____

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

**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.

...

Row

Vacate a Subdivision	\$300.00
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Row

Site Plan Review (Design Review) and Conditional Use Permit Fees:	
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Row

<u>Concept Application</u>	<u>\$100.00</u>
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Row

Site Plan or Conditional Use Permit	\$300.00
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Row

Sign Permit	\$100.00
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...

SECTION 3: 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 4: 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 5: 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 6: 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 7: 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 8: **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 9: **Repeal.** Chapter "15.17 Design Review Procedure" is hereby repealed.

SECTION 10: **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 11: Enactment. Section "15.18.030 Site Plan Application" is hereby enacted as follows.

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.

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.

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 the development and the issuance of a Certificate of Occupancy.

SECTION 12: Amendment. Section "15.18.050 " is hereby amended as follows.

...

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.

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.

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 or 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.

HISTORY

...

SECTION 13: Amendment. Section "15.18.060 Landscaping" is hereby amended as follows.

Minimum Landscaped Area 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.

General Landscape Requirements:

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

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

...

1. All proposed parking ... Perry City Landscape Policy.

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.

4. A dumpster or ... of six feet tall.

...

SECTION 15: **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 16: **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 17: Repeal. Section "15.23.030 " is hereby repealed.

~~15.23.030.1 Minimum Landscaped Area Requirements~~

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

~~Row~~	~~Multi-Family Residential*~~	~~30% of Site~~
~~Row~~	~~Institutional~~	~~20% of Site~~
~~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 18: **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 19: **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 20: **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 21: **Repeal.** Chapter "15.23 Landscape Regulations" is hereby repealed.

SECTION 22: **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 23: **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****

DRAFT

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	___	___	___	___
Toby Wright	___	___	___	___
Blake Ostler	___	___	___	___
Ashley Young	___	___	___	___
Dave Walker	___	___	___	___

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

**PERRY CITY
RESOLUTION 2023-22**

**AMENDMENT TO THE LODGE LEASE AGREEMENT
WITH SYSTEMS PLANNING AND ANALYSIS, INC.**

**A RESOLUTION OF PERRY CITY, UTAH, ADOPTING AN AMENDMENT TO
THE LODGE LEASE AGREEMENT WITH SYSTEMs PLANNING AND
ANALYSIS, INC.**

WHEREAS, Perry City (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-3-717 authorizes the City to exercise administrative powers by resolution;

WHEREAS, the City owns certain real property known as The Lodge;

WHEREAS, the City desires to enter into an amendment to the existing lease agreement with its current Tenant, System Planning and Analysis, Inc., to occupy The Lodge premises;

WHEREAS, the Parties has negotiated the attached amendment which is incorporated herein by this reference;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Perry City, Utah, that the Lease Amendment set forth in Exhibit “A” attached hereto and incorporated herein by this reference is approved and the Mayor is authorized to execute the same along with any related documents to effectuate the Lease Amendment. This Resolution is effective immediately upon passage and approval.

PASSED AND APPROVED by the Perry City Council this ____ day of November, 2023.

Mayor

ATTEST:

City Recorder

VOTING:

Tueller	Yea ____	Nay ____
Wright	Yea ____	Nay ____
Ostler	Yea ____	Nay ____
Walker	Yea ____	Nay ____
Young	Yea ____	Nay ____

LEASE AGREEMENT – 1st AMENDMENT

THIS LEASE AGREEMENT – 1st AMENDMENT (“Amendment”) is made and entered into this ____ day of _____, 2023 by and between Perry City (the “**Landlord**”), and Systems Planning and Analysis, Inc. (the “**Tenant**”), and collectively referred to as the “Parties” to this Amendment.

WITNESSETH:

In consideration of the existing Lease Agreement dated September 28, 2023 between the Landlord and Tenant the Parties desires amend the same and mutually agree as follows:

AMENDMENT

1.1 Floor Plan. The Parties agree to an increase size of the Floor Plan as set forth in the attached Exhibit “A” which is hereby incorporated as part of the Lease Agreement for the area of the premises.

1.2 Minimum Monthly Rent. The Minimum Monthly Rent starting for the month of January 2024 and thereafter, based upon the increased premise size as set forth in the Floor Plan, shall be: \$325.

1.3 Headers. The headers in this Amendment are for convenience purposes only and afford no rights.

1.4 Effect. All remaining terms, conditions, provisions and all other parts of the Lease Agreement dated September 28, 2023 not amended by this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment the day and year first above written.

FOR LANDLORD:

Perry City

By:

Its:

Attest: _____

FOR TENANT:

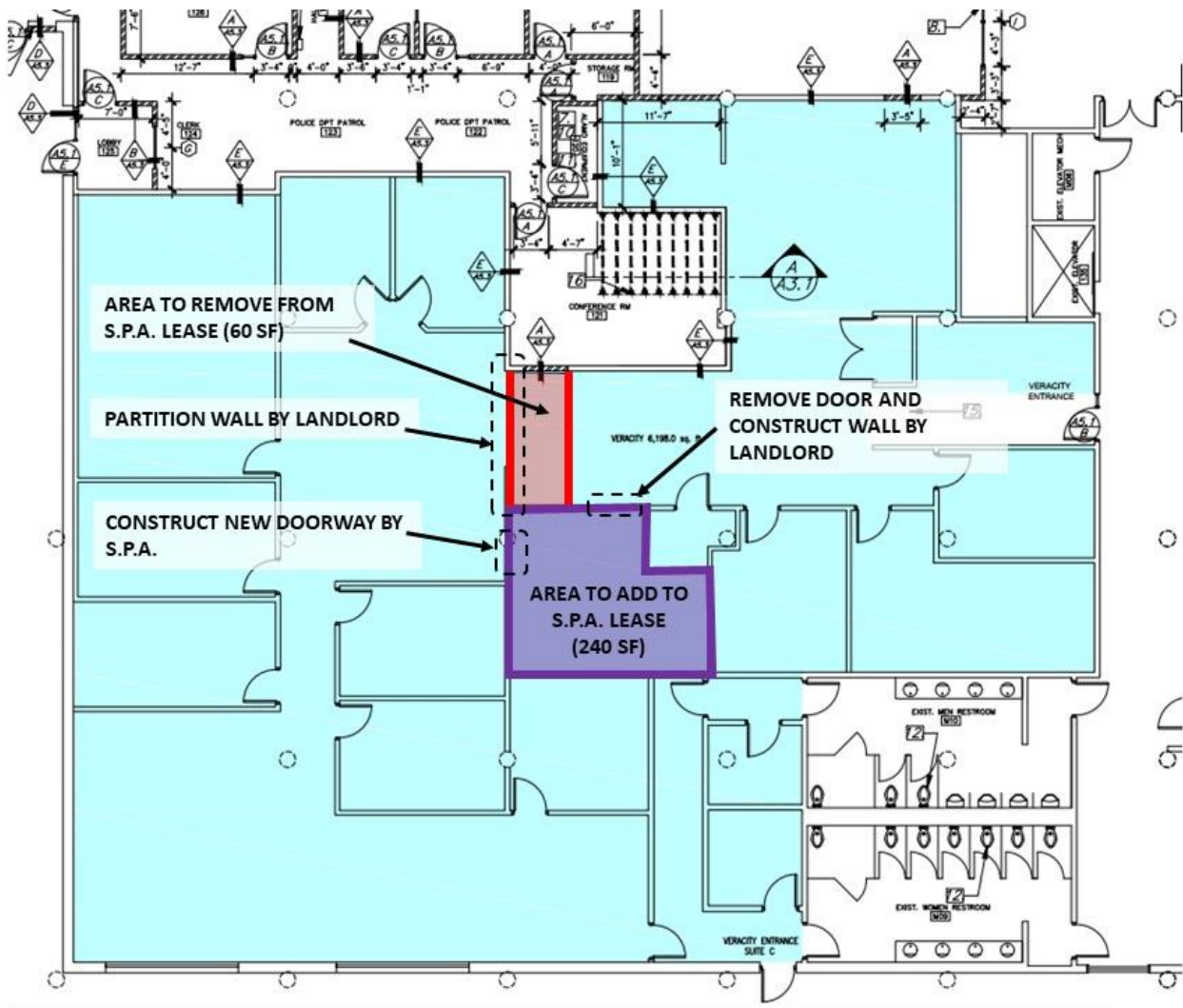
Systems Planning and Analysis, Inc.

By:

Its:

EXHIBIT A

Floor Plan



PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
September 14, 2023

7:01 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Blake Ostler, Council Member Toby Wright, Council Member Dave Walker, and Council Member Ashley Young.

OFFICIALS ABSENT:

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Bill Morris, City Attorney
Scott Hancey, Chief of Police
Zach Allen, Public Works Director
Shanna Johnson, City Recorder

OTHERS PRESENT:

ON-LINE: Nelson Phillips (BENJ)

ITEM 1: CALL TO ORDER

Mayor Jeppsen welcomed everyone and called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None

ITEM 3: ACTION ITEMS (Roll Call Vote)

A. Resolution 2023-21 Lodge Lease Agreement

Mayor Jeppsen opened the floor for questions from the Council regarding this resolution. Council Member Wright asked about the rent amount going up 3% each year. Mr. Barnhill responded that the previous lease was 3% and The Lodge tenants will not agree to a higher percentage. Mr. Morris also responded that an annual increase was typical for a commercial lease. Mr. Barnhill explained that this was a five-year contract then it will go to a monthly contract. He said the tenants wanted to reduce their rental area so the city will build a wall between their area and ours. Mayor Jeppsen asked if the tenant will have more than one access to their space and Mr. Barnhill replied they would.

MOTION: Council Member Wright made a motion to approve Resolution 2023-21 Lodge Lease Agreement. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Yes
Council Member Ostler, Yes

Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

ITEM 4: DISCUSSION ITEMS

A. City Hall Open House

Mayor Jeppsen mentioned that there were several things they needed to discuss in preparation for the new City Hall. He suggested they pick a date for the open house and discussed the best options. Council Wright recommended they have the dignitary luncheon and open house on the same day. Council Member Walker said he could get the piano player on Tuesday, October 10, in the evening. They decided to have the open house on that date from 6:00 p.m. to 8:00 p.m.

Council Member Walker said there were 37 submissions of art sent to him in the artwork competition. Of those submissions 14 pieces were selected to display at the open house and in The Lodge. He said these pieces of artwork will be framed. He asked Mr. Morris if he would have a (hold harmless) liability release agreement for the artist to sign. He said he wanted to have a plaque under the pictures with the artist's name and to explain the artwork or other. Ms. Johnson mentioned they could have cards printed to go in the corner of the picture to avoid additional holes in the wall and they can use Command Strips to hang the artwork. Mayor Jeppsen asked what the artist expectation was for their artwork to be displayed and Council Member Walker responded that he told them that are expectation would be to display the art for a year and then we would evaluate whether to keep the art up after that time period.

Council Member Young asked about touring the police department area. Chief Hancey requested they hang a serene type of picture in the police department area.

Council Member Walker said that Gary Case offered to paint a 6x12 art mural at mostly his cost. Mr. Case said he thought the cost would be around \$2k and wondered if the City Council would consider having him do it. Council Member Walker said he thought the main lobby wall would be able to hold a framed picture of this size. He said Mr. Case had in mind to paint a picture that depicts Perry City with the mountains in the background. He said he could ask Mr. Case to send them a photo or example of the scene he will paint. Mayor Jeppsen and City Council all agreed to requesting an example and will entertain this idea. Mayor Jeppsen mentioned that another craftsman built a 4x6 wooden flag piece of art that they will need to decide where it will be displayed. Chief Hancey commented that he would like the wooden flag in his office or in the police department area.

Council Member Tueller said the dignitary luncheon will offer a few entrée options and cost around \$9.50 per person. He noted that he needs to get a head count to reserve the caterer. He said they will also need to decide on the time for the caterers. Ms. Johnson mentioned that the chairs they have ordered will not be shipped in time and so they will rent chairs for this event. Council Member Young asked if they will be in charge of the clean-up after the luncheon for preparation of the open house that night. Council Member Ostler asked for feedback on the invitation and press release draft he sent the Council and administration. He requested that they give him quotes to add to his press release.

Council Member Walker asked if they wanted to offer a formal tour or just a mingle at the open house. Ms. Johnson suggested giving a card to the attendees with a map for a self-guided tour of the building. Council Member Walker suggested they make signs to explain the different rooms or departments area and Mr. Barnhill said he could have these signs made. They discussed the proposed tour route and will use the south door as the main entrance for the event.

Council Member Tueller mentioned the sign out front was more visible, and Mr. Barnhill said that we will need to work on it after they were done with this project and moved into the building. Council Member Wright said he had a Perry City sticker for this sign that they may use temporarily. Mayor Jeppsen said they do have a file of usable graphics and logos for the signs.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

B. Approval of Consent Items

- August 01, 2023 City Council Work session Minutes
- August 01, 2023 City Council Meeting Minutes
- August 24, 2023 City Council Meeting Minutes

MOTION: Council Member Walker made a motion to approve the consent items as listed. Council Member Wright seconded the motion.

All in Favor

B. Mayor's Reports

Mayor Jeppsen said he did not have anything else to report.

C. Council Reports

Council Member Walker noted that he, Council Member Ostler, and Mr. Barnhill meet with Rob Terry, of the State Land Use Ombudsman office. He said Mr. Terry gave training on how to modify the city code to have quality development in the community. He noted that they will work to bring some of the ideas into our city code. He reported the second meeting for the Mountain View bike park committee will be on October 27.

Council Member Ostler said he appreciates the work done at The Lodge for Service Day. He mentioned they had about 40 volunteers to pull weeds and the work went fast. Public Works Director, Zach Allen said they are trying to get more bark to cover the other areas to look nice for the open house.

Council Member Wright also said the same about appreciating the volunteers who helped at Service Day.

Chief Hancey explained the sad news of another (fatal) accident on the 2700 South and Highway 89.

D. Staff Comments

Zach Allen said thanks to the helpers on Service Day and that it took about 30 minutes to pull the weeds and then they and Public Works could spread the bark. He also thanked Brigham City for opening the Green Waste Department up to get bark and helping them make it all happen.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to close the public session and open the executive session to discuss the purchase, exchange, lease, or sale of real property. Council Member Wright seconded the motion.

Executive Session opened at 8:00 p.m.

ROLL CALL: Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 5 Yes, 0 No.

MOTION: Council Member Tueller made a motion at 8:22 p.m. to close the executive session and move back into the public meeting. Council Member Wright seconded the motion.

ROLL CALL: Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 7: ADJOURNMENT

MOTION: Council Member Walker proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:22 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder

1 PERRY CITY WORK SESSION

2 PERRY CITY OFFICES

3 October 3, 2023

6:06 PM

4
5 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council
6 Member Blake Ostler, Council Member Nathan Tueller, Council
7 Member Toby Wright, and Council Member Ashley Young, Council
8 Member Dave Walker (arrived at 6:14 p.m.)
9

10 OFFICIALS ABSENT:

11
12 CITY STAFF PRESENT: Robert Barnhill, City Administrator
13 Scott Hancey, Chief of Police
14 Shanna Johnson, City Recorder
15

16 OTHERS PRESENT: None
17

18 **ITEM 1: CALL TO ORDER AND WELCOME**

19 Mayor Jeppsen welcomed everyone and called the meeting to order.
20

21 **ITEM 2: DISCUSSION ITEMS**

22 **A. City Hall Open House Planning**

23 The Mayor and Council reviewed their assignments. They began their discussion with Council
24 Member Tueller giving an update on the dignitary luncheon. He said so far there will be seven
25 attendees and the other state representatives have legislative meetings at the same time and will not
26 be able to attend this luncheon. He said he will reach out to the others on his invitation list. He stated
27 he planned to call Maddox Restaurant with the final luncheon count on Friday. He requested an
28 electronic copy of the open house invitation and Ms. Johnson responded that she would e-mail it to
29 him.
30

31 Council Member Wright said he sent ideas for signage to be reviewed but then had them redesigned.
32 He commented that the first designs did not fit the new theme. He said he will send the second
33 design set out and if he does not get any respond from the council and staff then he will just get them
34 printed. He stated that this signage is just temporary and will get us by until the council decides on a
35 more permanent city sign. He mentioned that he had examples of A-framed signs that might be used
36 inside or outside of the building at the open house. Council Member Young said there was a company
37 that rents signs, for example, they might want to rent a big sign that said "Open House" to go in from
38 of the building along the highway.
39

40 Ms. Johnson said she thinks with the A-frames signs, and the open house signs, and the balloons will
41 be eye catching. She mentioned that she sent the public open house invitation to the Tourism and
42 Chamber of Commerce and asked them to post it on their website. She noted that Box Elder County
43 had already posted it to their website.
44

45 Council Member Young said that the balloon vendor would be there Tuesday morning at 8am to start
46 putting up the balloon art. 9:19

Council Member Walker stated he brought the art to be hung with him and the group looked at the art and discussed the best areas to place the pieces.

The attendees toured the building and discussed logistics for the open house.

ADJOURNMENT

Mayor Jeppsen closed the work session.

The meeting adjourned at 7:26 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder