

Perry City
ORDINANCE 26-D

DEVELOPMENT AGREEMENTS

26-D DEVELOPMENT AGREEMENT AMENDMENTS

WHEREAS, Utah Code Annotated 10-20 authorizes Perry City to enact and amend ordinances establishing land use and subdivision regulations; and,

WHEREAS, Development agreements, when carefully crafted and negotiated, can provide additional community benefits and further the goals and priorities of the City;

WHEREAS, adopted policies can guide legislative decisions to be more consistent;

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1: **Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.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 "15.02.040" is hereby amended as follows.

1. After receiving a recommendation from Planning Commission, the City Council, as the legislative body, shall consider a development agreement at a regular council meeting in conjunction with a zoning request for the Development Overlay zone (DO). The proposed agreement shall be submitted with the application for the DO zone and be subject to the public hearing and review process required for the zoning request. The zoning request for the DO zone with a development agreement may be processed prior to other associated land use applications, any time prior to the Design and Engineering application for subdivisions, or in conjunction with a site plan application.

a. Prior to being placed on the Planning Commission agenda, a development agreement proposal shall be submitted by the applicant for an informal review to be performed by the following city representatives:

- i. A designated planning commissioner
- ii. A designated city council member
- iii. The Community Development Director
- iv. The city engineer

The applicant shall submit their proposal for development agreement along with a statement describing how their proposal meets the city's code requirements and the adopted "Development Agreement Policy and Priorities." The applicant shall provide a conceptual development plan that follows current zoning standards for a comparison review. The city reviewers shall provide their written feedback to the applicant and to the Planning Commission.

2. After consideration of ... the agreement as approved.
3. Within fourteen (14) ... document of the city.

...

e. The general plan ... adopted plans and policies.

f. The extent of ... return to the city.

g. Conformance with the adopted "Development Agreement Policy and Priorities."

HISTORY

...

SECTION 3: **Enactment.** Chapter "15.37 Land Use Policies" is hereby enacted as follows.

SECTION 4: **Amendment.** Section "15.37.010 Land Use Policies" is hereby amended as follows.

The following provisions are adopted as non-binding policies and guidelines for decision making. These provisions should be referenced as appropriate by City Council, Planning Commission, applicants, and staff to guide decision making and legislative proposals.

Development Agreement Policy and Priorities

Section 15.02.010 of the Perry Municipal Code states:

The purpose of development agreements is to allow exceptions or changes to the current code for a specific development, respond to unique aspects of a property or development, further city priorities, bind the Subdivider to agreed upon Improvements and Infrastructure and other development parameters, and above all, create better developments than what could be had without a development agreement. A development agreement may only be approved, if in the opinion of the City Council, such agreement is found:

- To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the city's existing ordinances: and

- To advance the policies and adopted plans of the City.

- In reviewing a proposed development agreement the City Council may consider, but shall not be limited to considering, the following:

- Public impacts and benefits.

- Adequacy in the provision of all necessary public Improvements and Infrastructure.

- Appropriateness and adequacy of environmental protection measures.

- Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

- The general plan and other adopted plans and policies.

- The extent of code changes, exceptions or advantages (such as density bonuses) granted to the developer and the counter balancing amenities or other benefits provided in return to the city.

- Conformance with the adopted "Development Agreement Policy and Priorities."

Development agreements are discretionary legislative actions and shall not be granted as a matter of right. The burden shall be on the applicant to demonstrate that the proposed agreement provides clear,

measurable, and substantial public benefits beyond those required under existing City ordinances. To further the intent and efficacy of development agreements as well as to focus and streamline the negotiation of development agreements, the following policies and priorities are formally adopted by Perry City.

It is anticipated that most development agreements will be proposed by a developer in order to obtain a development benefit. It is the policy of Perry City that such developer benefits be counterbalanced with relatively equal community and city benefits. As much as possible competing benefits should be proportional and roughly equivalent in value. The benefits desired by the city will be different for each development based on context, type of developer benefits being considered, and the need for such city benefits for that particular area of the city. Community benefits must exceed baseline requirements already imposed by City code, subdivision regulations, or other applicable ordinances. Improvements required as standard conditions of approval shall not be considered qualifying community benefits. Where possible, counterbalancing developer and community benefits should have a common nexus. Certain divergences from City code may not have a clear nexus to community benefits and are less likely to be approved; additionally divergences from codes strictly related to emergency and safety standards are less likely to be approved.

Development agreements will encourage housing variety and consider the principles of limiting and scattering higher density housing as described in the adopted “Multi-family Dwelling and Apartment Density Map Policy.”

Desirable city benefits include, but are not limited to the following:

1. Parks and Trails – Park proposals should be detailed, comprehensive, and fully realized. Conceptual park placeholders or undefined future amenities shall not be credited as community benefits unless accompanied by detailed plans, cost estimates, construction timelines, and identified maintenance responsibilities. Generalized and ambiguous park and open space plans are not acceptable. The quality of specific outdoor elements is critical.

a. New Parks (see Parks Map for priority locations)

b. Improvements to existing parks

c. Trails throughout developments

d. Unique outdoor features and amenities that do not exist elsewhere in the city.

2. Open space preservation

a. Orchards are the highest priority for open space preservation. Orchards will be more highly valued if they are visible to the public and large enough to be functional.

b. Cash contributions to a restricted city account for the purchase of orchards can be considered. Cash contributions shall be placed in a restricted account and may be subject to independent valuation review to ensure proportionality with the requested development benefit.

c. If preservation is proposed as a community benefit, the land must be generally developable to qualify as a creditable offset. Land that is constrained, unbuildable, or otherwise unsuitable for development shall not be assigned equivalent community benefit value.

3. Improved Architecture - Architectural enhancements proposed as community benefits must be clearly documented in the development agreement through binding elevation exhibits, material specifications, details, descriptions, and enforceable design standards. Architectural representations

presented during negotiation shall be incorporated by reference into the agreement and shall be enforceable through the building permit process.

a. Variety in architectural styles, façade articulation, alternating rooflines, covered entries and porches, cornice and trim details, reduced visual bulk, reduced prominence of garage doors along the street, changes in plane, material, colors, and form. Variety can be proposed within a coordinated color and style selection.

b. Projects should avoid repetition and monotony.

c. Quality materials that can be shown to be clearly above and beyond standard construction practices. Extensive brick and stone materials, including on the sides and rear of buildings are valued.

d. ‘Mansion Style Homes’ in lieu of traditional townhomes. Townhomes should limit repetition and long unbroken planes, even on rear and sides of buildings.

e. Variety in lot and home sizes.

f. Improved streetscapes.

g. Outdoor amenities and features that create a sense of place – corner treatments, pedestrian crossings, unique lighting and signage, landscaping, art, etc.

4. Character - Architectural, site improvements, and landscaping should work together to development a unique and memorable character for developments.

5. Commercial development – Residential density bonuses are more likely to be approved in conjunction with significant commercial development. It is important to note that Perry City expects commercial developments in commercial zones and along major traffic corridors. Residential density bonuses are more likely to be approved when commercial development exceeds current zoning expectations, recruits a highly valued tenant or business type, and/or is guaranteed to be constructed prior to, or concurrently with, residential units.

6. Deeding of property to the city for public purposes, i.e. cemetery, fire station, etc.

The city may consider other creative and meaningful proposals, however developers should expect appropriate scrutiny and vetting of proposals. Developers should articulate the benefits and reasons for all deviations from code. While additional residential density can provide affordable housing to Perry City, this will be unequivocally deemed a developer benefit.

Not all community benefits are considered equal; duly the developer benefits will be balanced to be commensurate with the community benefits. If a particular development does not have the opportunity to provide a large park, preservation of open space, or commercial development it may simply not be eligible for a significant developer benefit. Properties that by chance cover multiple districts on the city’s ‘Density Map’ may be less likely to receive additional bonus density because the area already has many units allocated to it.

Ultimately, development agreements should foster the best types of developments that would not be likely, or prohibited, from moving forward under existing codes. If development according to the prescribed parameters of city code is deemed more desirable than the proposed development agreement, then the city should deny such a development agreement and encourage development by code. If a proposed development agreement is found to provide an opportunity for improvement over standard development by code, the city should pursue such an outcome.

Multi-family Dwelling and Apartment Density Map Policy.

The intent of the Multi-family Dwelling and Apartment Density Map (Map) is to limit and scatter Multi-family Dwelling and Apartment units (Units) throughout the City. In addition, city codes relating to these developments focus on architectural and site design standards with the intent of ensuring these developments are positive assets for our community. The Map, coupled with design standards, will ensure development occurs in a way that integrates all housing types into diverse and cohesive communities.

Limit

Based on conversations with various developers and direct observation and experience, it is assumed that without limitations more Units would be developed than what the city currently deems as acceptable and desirable. The policy to place limits on the quantity of units is based in large degree on the city's General Plan and associated public input. Such Units should be an integrated component of the city's housing without dominating any particular community within the city.

It is the policy of Perry City to maintain our relevant codes and maps in such a way as to limit these Units to be a minority component of our housing profile primarily in terms of acreage, but also in terms of Unit quantity in comparison to single family or commercial development in an area. When considering changes to the Map, Planning Commission and City Council may consider future single family and commercial developments as well as existing.

Scatter

Scattering units throughout the city is an important partner to limiting the total number of Units. The Map forces units to be scattered throughout the City. Additionally units should be scattered within each district on the Map. On both a macro and micro scale there should not be clear areas where high density housing is prevalent or not prevalent. All areas of the City should have some degree of housing diversity. Beyond the Map, which addresses Multi-family Dwellings and Apartments, commercial development, and size and type of single family housing can also be considered when measuring diversity in an area.

General Plan

The Perry City General Plan includes some relevant guidance as follows:

1. Perry desires to preserve a physical charm that reflects its small-town characteristics. Perry has the desire to weave place making improvements throughout..... enhancing the sense of place.

2. GOAL: Encourage thoughtful growth patterns and developments.

3. Residential: Refers to all zones primarily for residential use. This may include lots from 8,000 to 20,000 square feet, as well as an intermixing of alternative housing types, such as townhomes, senior housing, and mansion-style apartments.

4. Neighborhood Commercial: Commercial uses that are fitting with and supportive of surrounding residential uses along US 89 are permitted within Neighborhood Commercial zones. Multi-family residential uses should be selectively allowed in these areas and should be scattered throughout these areas rather than massed in specific areas.

5. Housing – Objective B: Allow for alternative housing choices, such as townhomes and senior centers, to be integrated into single family neighborhoods.

6. Housing – Objective C, Strategy 2: Increasing housing options where appropriate; adopt attached-

unit residential design standards that ensure quality development, and minimizes impact on surrounding neighborhoods through appropriate setbacks, heights, and landscaping. Multifamily housing built in Perry should be developed to compliment surrounding neighborhoods and not overwhelm them in building size and height. For this reason, Townhomes and Mansion style condos are fitting home styles in Perry.

7. Housing – Objective C, Strategy 5: Ensure that any increased residential density is met with public parks and green space for new and existing residents, and neighborhood beautification.

Map Amendments

There will always be pressure to increase the allotted numbers on the Map. In some cases a change to the Map will be appropriate and desirable. In some cases a development plan may be presented along with a Map change request showing what the developer is willing to implement above and beyond our standards in order to ensure the development is desirable for the City. In this case, the development plan should be codified with a development agreement to ensure the plan is fully implemented in conjunction with the requested Map amendment. The following specific considerations will guide the Planning Commission and City Council when deciding what requests warrant a change to the Map.

1. Compliance with the general policies and principles outlined in this document will greatly favor a Map change request.

2. Small increases to the current numbers (10% or less) will be more likely to be approved with minimal scrutiny. The greater the change requested the higher level of scrutiny and commitment and improvement on a development plan should be expected. Increases to the same district on the Map within the last five years should be considered.

3. Development plans providing integration of Units with single family and/or commercial development will be favored. This element should apply to the specific development being considered as well as surrounding existing development. Development plans that break up Units with single family lots will be favored over plans that continue to lump Units together.

4. Development plans providing significant architectural elements that go above and beyond Perry City standards and contribute to a development being more pleasing and desirable for the community are another factor in favor of granting a Map change request.

5. Development plans providing significant open space enhancements that go above and beyond Perry City standards and contribute to a development being more pleasing and desirable for the community are another factor in favor of granting a Map change request. Such improvements could include landscaping features, water features, site amenities (benches, lighting, art), playgrounds, trails, and buffers.

6. As time passes and developments are implemented and evaluated over years it may be appropriate to reconsider the base allotment of Units on the Map simply due to changing circumstances and perspectives. In this case the entire Map should be reevaluated and amended in a consistent and city wide manner.

7. It is possible that there may be considerations and special circumstances not anticipated by this policy. In the case that such circumstances affect the decision of the Planning Commission or City Council when making amendments to the Map, it is recommended that the motion clearly describes said special considerations. This will help to provide consistency and clarity in making future decisions.

Ultimately City Council retains the right to control the items on their agenda as well as to deny or approve any Map change request for any reason.

SECTION 5: 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 6: Effective Date. This ordinance being necessary for the peace, health, and safety of Perry 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 **27th day of August, 2026.**



KEVIN JEPPSEN, Mayor
Perry City

Attest:



SHANNA JOHNSON, City Recorder
Perry City

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



RECORDED this 9th day of September, 2026.
PUBLISHED OR POSTED this 9th day of September, 2026.

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