

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

December 5, 2019
7:00 pm regular meeting
3005 S 1200 W Perry, UT

Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Action on public hearing(s) will be later in the same meeting or at a subsequent meeting.

6:00 p.m. Work Session on design standards for multi-family

1. 7:00 p.m.- Call to Order and Opening Ceremonies

- A. Thought, Reading, or Invocation-Michelle Drago**
- B. Pledge of Allegiance to the U.S.A.-Marcus Wager**
- C. Declare Conflicts of Interest, If any**
- D. Elect a Vice Chairman for 2020**
- E. Approve the 2020 Planning Commission Schedule with application due dates**

2. Public Hearings

Rules:

- (1) Please speak only once (maximum of 3 minutes) per agenda item.
 - (2) Please speak in a courteous and professional manner.
 - (3) Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group).
 - (4) Please present possible solutions for all problems identified.
 - (5) Action may not be taken during this meeting if the item is not specifically on the agenda.
-
- A. Public Hearing regarding Ordinance 19-K amending the Perry City Municipal Code regarding Parking on City Streets.**
 - B. Public Hearing regarding Ordinance 19-L amending the land use code to allow for and regulate cannabis production and operations.**
 - C. Public Hearing regarding Ordinance 19-M design standards for multi-family Housing, apartments, and the neighborhood commercial (NC) zone. Also adding Apartments to the IC zone.**
 - D. Public Hearing regarding Ordinance 19-N amending 15.03.050.1 regarding number Members in a quorum for planning commission, 15.03.070.1 deadline for an Application to be on an agenda, and 15.03.070.2 Mandatory appearance by an Applicant at meetings.**
 - E. Public Hearing regarding Ordinance 19-O allowing the R2 zone.**

3. Land Use Applications

- A. Application for a subdivision amendment/ lot line adjustment for Kerr Subdivision. Located 2925 South Hwy 89. Applicant Jeff Kerr.**
- B. Application for a concept plan for Wheeler Property. Location 2820 South 1000 West. Applicant Nathan Wheeler/Doug Wheeler.**
- C. Final Approval and Recommendation for Leading Tech Site Plan, Location; 1835**

89; Applicant; Ryan Forsyth.

D. Final approval for the Conditional Use Permit Application, Location: 2765 South Hwy 89, Applicant: Ed & Marie Christensen.

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.

- A. Discussion/Action regarding Ordinance 19-K amending the Perry City Municipal Code regarding Parking on City Streets.
- B. Discussion/Action regarding Ordinance 19-L amending the land use code to allow for and regulate cannabis production and operations.
- C. Discussion/Action regarding Ordinance 19-M design standards for multi-family Housing, apartments, and the neighborhood commercial (NC) zone. Also adding Apartments to the IC zone.
- D. Discussion/Action regarding Ordinance 19-N amending 15.03.050.1 regarding Numbers of Members in a quorum for planning commission, 15.03.070.1 deadline For an Application to be on an agenda, and 15.03.070.2 Mandatory appearance by an applicant at meetings.
- E. Discussion/Action regarding Ordinance 19-O allowing the R2 zone.

5. Approval of the Minutes

- A. November 7, 2019 Regular Meeting Minutes
- B. Report from Commissioner regarding last Council Meeting.
- C. Make Assignments for Representative to Attend City Council Meetings. (December 12, 2019)

6. Discussion

- A. Future Projects
- B. Report on past-approved Planning Commission Agenda Items.

7. Training

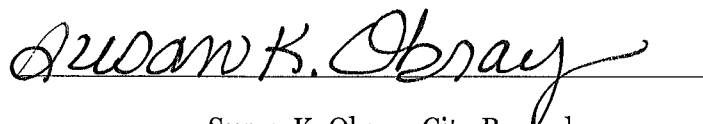
- A. Staff

8. Review Next Agenda and Adjourn

- A. Items for January agenda (next meeting January 2, 2020)
- B. Motion to Adjourn

Certificate of Mailing

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member and alternate member of the Planning Commission and other designated City Officials, and was posted in three locations: The Perry City Offices, Centennial Park, Perry City Park; and faxed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Website; on this 29th day of November, 2019. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).



Susan K. O'Bray, City Recorder

2020 PLANNING COMMISSION MEETING SCHEDULE (7:00 P.M.) AND DATE
THAT APPLICATION IS DUE

January 02 / December 12	July 02/June 11
February 06/January 16	August 06/July 16
March 05/ February 13	September 03/August 13
April 02/March 12	October 01/September 10
May 07/April 16	November 05/October 15
June 04/May 14	December 03/November 12

Meetings will be held the 1st Thursday of the month. All applications are due 3 (three) weeks before the scheduled meeting.

Check the Box Elder News Journal, the Public Meeting Website (Utah.gov/pmn), Perry City Website, or the City Office for specific start times. Meeting dates and times are subject to change.

NOTICE OF PUBLIC HEARINGS
PERRY CITY PLANNING COMMISSION

Notice is hereby given that the Perry City Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry, as part of its regular meeting which starts at 7:00 p.m. on Thursday, December 5, 2019 a public hearing to receive public comments regarding Ordinance 19-K amending the Perry City Municipal Code regarding Parking on City Streets. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any individuals requiring auxiliary services should contact the City offices at least 3 days in advance (435-723-6461). By: Susan K. Obray, City Recorder.

Please publish November 27, 2019

**PERRY CITY
ORDINANCE**

WHEREAS, The public right-of-ways of Perry City are intended for the transportation and access of its residents; and,

WHEREAS, Perry City requires unobstructed access to these right-of-ways for maintenance purposes; and,

WHEREAS, The residential areas of Perry City necessitate protections from unnecessary truck traffic that would degrade the health, safety, and welfare of these areas;

NOW THEREFORE, be it ordained by the Council of Perry City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.13 Stopping And Parking Regulations” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.13 Stopping, Parking, Trucks, And ~~Parking~~Other Regulations

SECTION 2: **AMENDMENT** “10.13.070 Removal And Impound Procedures For Illegally Parked Or Abandoned Vehicles” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.13.070~~080~~ Removal And Impound Procedures For Illegally Parked Or Abandoned Vehicles

SECTION 3: **REPEAL** “15.19.070 Commercial Vehicles In Residential Districts” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

15.19.070.1 Definitions

The following definitions as they may apply within this Chapter:

1. Commercial Vehicle: As defined by the Utah Vehicle Code, any vehicle having a gross weight, including load, in excess of five (5) tons. For purposes of this ordinance, the definition shall include the tractor portion of a semi-truck without the load carrying trailer attached or a semi-truck with trailer whether empty or loaded.
2. Direct Route: The most feasible route from the closest unrestricted street consistent with the intent to limit the use of streets in the residential districts of Perry City by commercial vehicles is the direct route.

15.19.070.2 Regulation

No person shall operate or park any commercial vehicle on any street within any residential area or residential zoning district of Perry City.

15.19.070.3 Exceptions To The Regulation

The following are exceptions to 15.19.070.2:

1. Passenger buses under the jurisdiction of the Utah Transit Authority (UTA).
2. Vehicles owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.
3. School buses carrying children to and from school, while training bus drivers, or while parked during school hours.
4. Motor vehicles designed by the manufacturer for the transportation and collection of garbage, rubbish, or refuse and which are regularly used of such collection and transportation of any person or governmental entity engaged in the business of providing the service of collecting, transporting, and/or disposing of garbage, rubbish, or refuse.
5. Commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or residence located in the restricted area.
6. Commercial vehicles using the direct route for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodel, or construction of any building upon the restricted street for which a building permit has previously been obtained from Perry City.
7. Commercial truck tractors (semi-truck tractors) without trailers using the most direct route and parking at the owner's residence for only the period of time necessary and the express purpose of unloading or loading personal property.

~~15.19.070 Commercial Vehicles In Residential Districts (Repealed)~~

~~15.19.070.1 Definitions (Repealed)~~

~~15.19.070.2 Regulation (Repealed)~~

~~15.19.070.3 Exceptions To The Regulation (Repealed)~~

SECTION 4: **AMENDMENT** "10.13.060 Parking Of Certain Trucks" of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.13.060 ~~Parking Of Certain Trucks~~ Trucks And Trailers

~~Definitions:~~ Parking in general. No ~~semi-truck tractor or semi-trailer or other truck or truck trailer with a rated capacity of one and one-half tons or more, or licensed for more than eighteen thousand (18,000) pounds gross, with the exception of implements of husbandry, shall be allowed to parked or operate on any street within any residential area or residential zoning district, the public streets for a period in excess of two (2) hours, except while actually loading or unloading merchandise. In no event shall a truck or trailer remain parked for longer that eight (8) hours.~~ Exception to the regulation For the purposes of this section, a truck shall be deemed parked, even though the motor is running, if the vehicle is left standing for any period in excess of three (3) minutes with its driver present at the wheel of the vehicle; or Any time the vehicle is not attended by its lawful driver at the wheel. Access limits. Except as stated above, no truck with a rated capacity of one and one half tons or more, or licensed in excess of eighteen thousand (18,000) pounds gross weight shall be parked on any public street closer that thirty (30) feet of a public road or highway, private driveway, private street, alley, or similar access.

SECTION 5: **ADOPTION** "Definitions" of the Perry Municipal Code is hereby *added* as follows:

A D O P T I O N

10.13.060.1 Definitions(*Added*)

DIRECT ROUTE: The most feasible route from the closest unrestricted street consistent with the intent to limit the use of streets in the residential areas of Perry City by commercial, or other large vehicles, is the direct route.

SECTION 6: **ADOPTION** "10.13.060.1 Regulation" of the Perry Municipal Code is hereby *added* as follows:

A D O P T I O N

10.13.060.2 Regulation(*Added*)

No person shall park or operate any semi-truck tractor or semi-trailer or other truck, vehicle, or trailer with a rated capacity of more than 18,000 pounds gvwr on any street within a residential area or residential zoning district.

SECTION 7: **ADOPTION** "10.13.060.3 Exceptions" of the Perry Municipal Code is hereby *added* as follows:

A D O P T I O N

10.13.060.3 Exceptions(*Added*)

The following are exceptions to 10.13.060.2:

1. Passenger buses under the jurisdiction of the Utah Transit Authority, and school buses carrying children to and from school, while training bus drivers, or while parked during school hours.
2. Vehicles owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.
3. Garbage trucks when engaged in the collection and/or transportation of garbage.
4. Commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, or merchandise from or to any building or residence located in a restricted area.
5. Commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodel, or construction of any building or property upon the restricted street for which a building permit (when applicable) has previously been obtained from Perry City.
6. Any vehicle while being used expressly ~~for solely~~ for agricultural purposes.

SECTION 8: **ADOPTION** "10.13.070 Parking Limit" of the Perry Municipal Code is hereby *added* as follows:

A D O P T I O N

10.13.070 Parking Limit(*Added*)

No vehicle, trailer, recreational vehicle, or similar item shall be parked, stored, or abandoned on a City street or within a public right of way for more than 72 hours.

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Attest

Susan O Bray, City Recorder Perry City

NOTICE OF PUBLIC HEARINGS
PERRY CITY PLANNING COMMISSION

Notice is hereby given that the Perry City Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry, as part of its regular meeting which starts at 7:00 p.m. on Thursday, December 5, 2019 a public hearing to receive public comments regarding 19-L amending the land use code to allow for and regulate cannabis production and operations. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any individuals requiring auxiliary services should contact the City offices at least 3 days in advance (435-723-6461). By: Susan K. O Bray, City Recorder.

Please publish November 27, 2019

**PERRY CITY
ORDINANCE 19-L**

CANNABIS REGULATIONS

AN ORDINANCE OF PERRY CITY, UTAH, ADOPTING CHAPTER 15.36 OF THE MUNICIPAL CODE TO ESTABLISH REGULATIONS GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS REQUIRED BY STATE LAW; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, in 2018, the voters of Utah approved Proposition 2 authorizing medical cannabis;

WHEREAS, Utah State Legislature met in special session on Monday, September 16, 2019, and modified Proposition 2 with the adoption of S.B. 1002, and such modification impacts municipalities;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City finds it necessary to update the municipal code in order to meet the challenges presented by state law, and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on December 5, 2019, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on January 9, 2020;

NOW, THEREFORE, be it ordained by the City Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 15.36 of the *Perry Code* is hereby adopted to read as follows:

**Chapter 15.36
Cannabis Regulations**

15.36.010 Definitions.

In addition to the definitions set forth in Utah Code §4-41a-102 (Cannabis Production Establishments), and Utah Code §26-61a-102 (Utah Medical Cannabis Act), the following definitions apply:

1. “Cannabis Production Establishment” means an establishment defined in Utah Code §4-41a-102,

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2020.

PUBLISHED OR POSTED this ____ day of _____, 2020.

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 certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) _____, and 3) _____, on the above referenced dates.

City Recorder

DATE: _____

NOTICE OF PUBLIC HEARINGS
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Please publish November 27, 2019

NOTICE OF PUBLIC HEARINGS
PERRY CITY PLANNING COMMISSION

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Please publish November 27, 2019

PERRY CITY
ORDINANCE 19-N PLANNING COMMISSION RULES OF PROCEDURE

WHEREAS, Whereas section 10-9a-302 of Utah State Code requires Perry City to establish a Planning Commission to hear and decide certain land use matters; and,

WHEREAS, Whereas chapter 15.03 of PMC establishes and regulates the Planning Commission of Perry City; and,

WHEREAS, Said regulations need revised and updated from time to time.

NOW THEREFORE, be it ordained by the Council of Perry City, in the State of Utah, as follows:

SECTION 1: **REPEAL** “15.03.070.2 Mandatory Appearance At Meetings” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.03.070.2 Mandatory Appearance At Meetings (Repealed)~~

~~Except for limited review permits, no consideration will be given and no action will be taken with regards to any land use application(s) on a Planning Commission agenda unless the applicant (or a representative of the applicant) is present at the time and place designated on the Planning Commission agenda; the Chair (or Vice Chair or Acting Chair) shall declare such agenda item(s) automatically tabled if an applicant or representative is not present by the time that the land use applications portion of the Planning Commission agenda is completed.~~

SECTION 2: **AMENDMENT** “15.03.050.1 Planning Commission Quorum” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.03.050.1 Planning Commission Quorum

The procedures for meetings for the Planning Commission shall be as set forth in the following sections. A majority of current appointed Planning Commission members constitute a quorum. A quorum ~~of at least four (4) members of the Planning Commission (voting, not recused)~~ is required to start or convene a meeting, to continue a meeting, and to act on any application or issue. A quorum is not required for Planning Commission work sessions.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

Kevin Jeppsen, Mayor, Perry City

Susan O Bray, City Recorder Perry City

NOTICE OF PUBLIC HEARINGS
PERRY CITY PLANNING COMMISSION

Notice is hereby given that the Perry City Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry, as part of its regular meeting which starts at 7:00 p.m. on Thursday, December 5, 2019 a public hearing to receive public comments regarding Ordinance 19-O amending the land use table allowing the R2 zone. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any individuals requiring auxiliary services should contact the City offices at least 3 days in advance (435-723-6461). By: Susan K. Obray, City Recorder.

Please publish November 27, 2019

PERRY CITY
ORDINANCE 19-O R2 ZONING

WHEREAS, The R2 zone is not currently available for designation on additional properties in Perry City; and,

WHEREAS, It is considered prudent and desirable in some situations to allow for smaller lot sizes for single family homes as permitted in the R2 zone.

NOW THEREFORE, be it ordained by the Council of Perry City, in the State of Utah, as follows:

SECTION 1: AMENDMENT "15.07.100.4 Additional Information ("Notes") Regarding Land Use Chart" of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.07.100.4 Additional Information ("Notes") Regarding Land Use Chart

The following is additional information regarding the land use chart:

- ~~1. "R-2: Medium/High Density Residential" states, "the function of providing a more compact variety of housing is no longer to be provided by this land use." In accordance with the intent of this statement, there will be no further approval or designation of R2 zones. See Section 15.07.020.08~~
2. Sale of firearms and alcohol shall not be permitted within 1000 feet of any school or place of worship. A hotel or motel may have an "on premises" consumption of alcohol use that does not require more than seven percent (7%) of the floor space of the hotel or motel. Restaurants with "on premises" consumption of alcohol use are also permitted by conditional use in certain zones, as per the land use chart. Other than for a hotel/motel or a restaurant, as designated on the Land Use Chart, "on premises" consumption of alcohol is not available for any other business in any zone. No "on premises" alcohol business shall be permitted until a specific "on premises" alcohol business license ordinance has been adopted.
3. Minimum of fifty units or more. Storage Units shall not be defined as allowing junk", surplus or other various accumulations of items, supplies or materials. Only supplies directly related to daily business of a construction yard may be stored at the site. All other items, supplies and materials must be stored within designated storage units.
4. In the NC2 and NC3 zones, only Single Family Dwellings existing as of December 11, 2008 will be permitted for Boarding, Bed and Breakfast as a Conditional Use. In the MU-C, MU-0, MU-R zones, this type of use will be permitted by Design Review.
5. For the CI Commercial Zone and the Mixed Use Zones, Professional Office Space may only occupy a maximum of 25 percent of the total floor space of any development.

6. Please see PMC 15.31.020 for regulations pertaining to uses in the Aggregate Extraction Zone (AE).

SECTION 2: **AMENDMENT** "15.07.020.8 Medium Density Residential (8,000 Sf)(R2)" of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.07.020.8 Medium Density Residential (8,000 Sf)(R2)

The purpose of the medium density residential zone is to provide appropriate locations where medium density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit uses that would be intrusive to activities and uses usually associated with medium density neighborhoods. ~~Note: "R-2 Medium/High Density Residential" states, "the function of providing a more compact variety of housing is no longer to be provided by this land use." In accordance with the intent of this statement, there will be no further approval or designation of R2 zones.~~

SECTION 3: **AMENDMENT** "15.05.070.1 Agricultural Uses" of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.05.070.1 Agricultural Uses

Agricultural Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2±	E S	C	C 1	I C	N C 2	N C 3	M U -C	M U -O	M U -R	M /I L	M /I
Accessory Uses and Buildings	P	P	P*	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Agricultural Experiment Station	P*	P*	~	~	~	~	~	~	P*	~	~	~	~	~	~	~	~	P*	P*
Animal Hospital	P*	~	~	~	~	~	~	~	P*	~	~	C	C	~	~	~	~	~	P*
Animal Kennel/ Cattery Breeding Establishments	P*	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Animal Training Schools	P*	P*	~	~	~	~	~	~	~	~	~	~	P*	~	~	~	~	~	~
Apiaries	P	P	~	~	~	~	~	~	P*	~	~	~	~	~	~	~	~	~	~
Aviaries	P	P	P*	P*	~	~	~	~	P*	~	~	~	~	~	~	~	~	~	~
Dairy or Creamery	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Domesticated Animals, Family Food- Production/Pleasure (See Note 1)*	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Egg Candling and Sales	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Fertilizer and Soil Condition Manufacturing and Sales	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Field Crops, Row Crops, Orchards, Hay Chopping	P	P	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P	P*
Grazing	P	P	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Fruit and Vegetable- Wholesale	P	P	~	~	~	~	~	~	P*	~	~	P	P	~	~	~	~	~	~

Fruit and Vegetable Stands- Retail	P	P	~	~	~	~	~	~	~	P*	P*	P*	P	P	P*	~	~	~	~
Fruit and Vegetable long-term Storage	P*	P*	~	~	~	~	~	~	~	~	~	~	C	C	~	~	~	P*	P*
Greenhouses & Nurseries- Commercial	P*	P*	P*	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~	~	~	P*
Livestock Feed or Sales Yard	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Milk Processing Plant	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Soil Composting, Manufacturing, & Sales	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Stock Yard	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	~

*Notes-see PMC 15.07.100.4
in Zone

P*- Use Permitted by Design Review

P- Use Permitted

C-Conditional Use

~ Use not

Permitted

SECTION 4: **AMENDMENT** "15.05.070.2 Residential Uses" of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.2 Residential Uses

Residential Uses	A	AL	R1A	RE1/2	R1/2	R1/3	R1	R2±	ES	C	C1	IC	NC2	NC3	MUC	MUO	MUR	M/I L	M/I
Accessory Buildings (See Area Requirements Chart)	P	P	P	P	P	P	P	P*	P*	P	~	~	P*	P*	~	~	P*	~	~
Boarding House, Bed/Breakfast note 4 *	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	P*	~	~
Multi-Family Dwellings ²	~	~	~	P	P	P	P	P	~	~	~	~	P	P	P	P	P	~	~
Home Occupations ¹	P	P	P	P	P	P	P	P	P	P	P	~	P	P	P	P	P	~	~
Household Pets	P	P	P	P	P	P	P	P	P	~	~	~	P	P	P	P	P	~	~
Modular/Manufactured Homes	P	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~
Single Family Homes	P	P	P	P	P	P	P	P	P*	~	~	~	~	~	~	~	~	~	~
Zero-lot Line Home	~	~	~	~	~	~	~	P	~	~	~	~	~	~	P*	P*	P*	~	~
Model Home	~	~	C	C	C	C	C	C	~	~	~	~	~	~	C	C	C	~	~
Conservation Subdivisions	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~	~

1. A Home Occupation may be approved with the following uses:

- a. Firearms sales, repair, and assembly
 - b. Barber shop, beauty salon, hair salon
 - c. Home Daycare
 - d. Home Preschool
 - e. Educational Facility
 - f. Artists
 - g. Authors
 - h. Professional office services (excluding medical, dental, and other health professional offices) including, but not limited to:
 - i. Advertising
 - ii. Architectural or engineering services
 - iii. Consulting services
 - iv. Data processing, computer programming and service
 - v. Desktop publishing
 - vi. Insurance sales or broker
 - vii. Interior design
 - viii. Real estate sales, broker, or appraiser
 - ix. Contractor or handyman office
 - i. Culinary or home craft, or garden produce sales
 - j. Sales representative
 - k. Alternative medicine and holistic healing including: foot zoning, aromatherapy, reiki, chiropractic, massage, and other similar uses as determined by the Licensing Authority except for Sexually Oriented Businesses as defined in PMC.
 - l. Any use or Business not listed in this Subsection regarding Home Occupations is prohibited.
2. Multi-family Dwellings may be developed according to the allotments indicated in the Multi-family Housing Density Map, which can be found at the following link ([Map](#)). Existing and proposed Multi-Family Dwelling units are counted towards the limits shown on the Multi-family Housing Density Map. When the allotted number of units in an area has been reached no more Multi-Family Dwelling units will be permitted in the area.
- a. For the purposes of this subsection, Multi-family Dwelling Units shall not include Accessory Dwelling Units.
 - b. Multi-Family Dwelling units shall not be permitted where they are prohibited or otherwise restricted by private Conditions, Covenants, and Restrictions.

***Notes-see PMC 15.07.100.4
Permitted in Zone**

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not

Permitted

SECTION 5: **AMENDMENT** “15.05.070.3 Municipal Uses” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.3 Municipal Uses

Municipal Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2*	E S	C	C 1	I C	N C 2	N C 3	M U -C	M U -O	M U -R	M /I L	M /I
Animal Pound	P *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *
Cemetery	P *	P *	P *	P*	P *	P *	P *	P *	~	~	~	~	~	P *	~	~	~	~	~
Garbage Transfer	P	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *
Public Building or Utility	P *	P *	P *	P*	P *	P *	P *	P *	P *	P *	P *	P *	P *	P *	P*	P*	P*	P *	P *
Public Park	P	P	P	P	P	P	P	P	P	~	~	~	C	C	P	P	P	P	P
Sewage Disposal and/or Treatment Plant	P *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P	P

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

Permitted

C-Conditional Use

~ Use not

SECTION 6: AMENDMENT "15.05.070.4 Recreational Uses" of the Perry
Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.4 Recreational Uses

Recreational Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2 [±]	E S	C	C 1	I C	N C 2	N C 3	M U -C	M U -O	M U -R	M /I L	M /I
Dude Ranch	P *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Campground Commercial or Recreational	P *	P *	~	~	~	~	~	~	P *	~	~	~	~	P *	~	~	~	~	~
Golf Course	P *	P *	P *	P*	P *	P *	P *	P *	P *	~	~	~	~	~	~	~	~	~	~
Golf Driving Range	P *	P *	P *	~	~	~	~	~	P *	~	~	~	~	~	~	~	~	~	~
Gun Club	P *	~	~	~	~	~	~	~	P *	~	~	~	~	~	~	~	~	P *	~
Ice Rink	P *	P *	~	~	~	~	~	~	~	~	~	~	C	C	~	~	~	~	~
Private Park	P	P	P	P	P	P	P	P	P	~	~	~	~	~	P *	P *	P*	~	P
Public Stable	P *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P	~
Riding Academy	P *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	~
Rodeo Grounds	P *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Skeet Shooting Range	P *	~	~	~	~	~	~	~	P *	~	~	~	~	~	~	~	P*	~	~

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not

Permitted

SECTION 7: AMENDMENT "15.05.070.5 Educational And Religious Uses" of
the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.5 Educational And Religious Uses

Educational and Religious Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2*	E S	C	C 1	I C	N C 2	N C 3	M U -C	M U -O	M U- R	M /I L	M / I
Art Gallery	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	~	~	~
Place of Worship	P *	P *	P *	P*	P *	P *	P *	P *	P *	~	~	~	P *	P *	~	~	P*	~	~
College, University, Trade, Tech. School	P *	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	~	~	~
Day Care Center- Commercial	P *	P *	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	P*	~	~
Fraternity-Sorority	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	P*	P*	P*	~	~
Library	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	P*	P*	P*	~	~
Museum	~	~	~	~	~	~	~	~	~	C	C	C	P *	P *	P*	P*	P*	~	~
Private School	P *	P *	P *	P*	P *	P *	P *	P *	P *	~	~	~	C	C	P*	P*	P*	~	~
Wedding Reception Center	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	~	~	~	~
Convention Center	~	~	~	~	~	~	~	~	~	~	~	P *	~	~	~	~	~	~	~

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

Permitted

C-Conditional Use

~ Use not

SECTION 8: AMENDMENT "15.05.070.6 Medical Uses" of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.6 Medical Uses

Medical Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/3	R 1	R 2*	E S	C	C 1	I C	N C 2	N C 3	M U- C	M U- O	M U- R	M/ IL	M/ I
Assisted Living	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	~	~		~	~
Clinic	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	P*	P*	~	~	~
Rehabilitation Center	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	P*	P*	P*	~	~
Hospital	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	P*	P*	~	~	~
Rest Home	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	P*	P*	P*	~	~
Sanitarium	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	C	C

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not

Permitted

SECTION 9: **AMENDMENT** “15.05.070.7 Commercial Uses” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.7 Commercial Uses

Commercial Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2*	E S	C	C 1	I C	N C 2	N C 3	M U -C	M U -O	M U -R	M /I L	M /I
Body and Fender Shop	~	~	~	~	~	~	~	~	~	~	C	~	C	C	~	~	~	~	P *
Cabinet Shop	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *
Vehicle Repair	~	~	~	~	~	~	~	~	~	~	C	C	C	C	~	~	~	~	P *
Vehicle Sales	~	~	~	~	~	~	~	~	~	~	P *	P *	C	C	~	~	~	~	~
Vehicle Wash	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P*	~	~	~	~
Construction Yard (See Note#3)*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *
Firearms Retail/Repair (See Note #2)*	C	C	C	C	C	C	C	C	~	P *	P *	P *	P *	P *	P*	~	~	~	~
Fix It Shop	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	~	~	~	P *
Grocery Store	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P*	~	~	~	~
Laundromat/Dry Cleaners	~	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P*	~	~	~	~
Machine Shop	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *	~	~	~	P *	P *
Mortuary	~	~	~	~	~	~	~	~	~	~	P *	~	P *	P *	P*	~	~	~	~
Nursery (Plants)	P	P	~	~	~	~	~	~	~	~	~	~	P *	P *	~	~	~	~	~
Planing Mill or Welding Shop	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *
Sexually Oriented Business	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	~

Wholesale Outlet	~	~	~	~	~	~	~	~	~	P*	P*	P*	C	C	P*	~	~	~	P*
Small Retail (Less than 20,000 sq.ft.)	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Large Retail (More than 20,000 sq.ft.)	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~	~	P*	P*

*Notes-see PMC 15.07.100.4
in Zone

P*- Use Permitted by Design Review

P- Use Permitted

C-Conditional Use

~ Use not

Permitted

SECTION 10: **AMENDMENT** "15.05.070.8 Special Commercial Uses" of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.8 Special Commercial Uses

Special Commercial Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2*	E S	C	C 1	I C	N C 2	N C 3	M U - C	M U - O	M U - R	M /I L	M /I
Alcohol Retail, Off Premises, Note 2 *	~	~	~	~	~	~	~	~	~	P*	P*	P*	C	C	~	~	~	~	~
Hotel/Motel (w/ or w/o Alcohol), Note 2 *	~	~	~	~	~	~	~	~	~	C	C	C	~	C	C	~	~	~	~
Restaurant w/on Prem. Alcohol, Note 2 *	~	~	~	~	~	~	~	~	~	C	C	C	C	C	C	~	~	~	~
Restaurant Without On Prem. Alcohol	~	~	~	~	~	~	~	~	~	P*	P*	P*	C	C	P*	P*	P*	P*	P*
Other Alcohol On Premises, Business	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not

Permitted

SECTION 11: **AMENDMENT** "15.05.070.9 Light Commercial Uses" of the Perry
Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.05.070.9 Light Commercial Uses

Light Commercial Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2±	E S	C	C 1	I C	N C 2	N C 3	M U- C	M U- O	M U- R	M /I L	M / I
Athletic Club	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P*	P*	P*	~	~
Bakery	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	P*	~	~
Bike Shop	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	P*	~	~
Book Store	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	P*	~	~
Convenience Store	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P*	P*	P*	P*	P *
Gift Shop	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	P*	P*	~	~
Hardware Store	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P *	P*	~	~	~	~
Professional Office Space	~	~	~	~	~	~	~	~	~	~	P *	P *	P *	P *	P*	P*	P*	~	~
Recreation Center	~	~	~	~	~	~	~	~	~	~	P *	P *	C	C	P*	P*	P*	~	~
Fast Food Restaurant	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P*	P*	P*	P*	P *
Fuel Stop	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P*	P*	P*	P*	P *
Upholstery Shop-Retail	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	~	~	P*	P *
Check Cashing Serv./Car Title Loans	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not

Permitted

SECTION 12: **AMENDMENT** "15.05.070.10 Manufacturing- Industrial Uses" of
the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.05.070.10 Manufacturing- Industrial Uses

Manufacturing-Industrial Uses	A	A L	R 1 A	RE 1/2	R 1/ 2	R 1/ 3	R 1	R 2*	E S	C	C 1	I C	N C 2	N C 3	M U -C	M U -O	M U -R	M /I L	M /I
Asphalt Plant	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Fabrication Processes	~	~	~	~	~		~	~	~	~	~	~	~	~	~	~	~	P *	P *
Milling and Machinery Facilities	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *
Packaging Processes	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *
Printing Processes	~	~	~	~	~	~	~	~	~	~	P *	~	C	C	~	~	~	~	P *
Product Development	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P *	P*	~	~	P *
Product Distribution	~	~	~	~	~	~	~	~	~	~	~	~	~	~	C	C	~	P *	P *
Research and Development Facilities	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P *	P*	~	~	P *
Storage Units- N of 3000 S (See Note #3)*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *
S.U. -S of 3000 S (See Note #3)*	~	~	~	~	~	~	~	~	~	P *	~	~	~	~	~	~	~	P *	P *
Telecommunications Towers	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	C	C
Warehousing/ Large Scale Distribution	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P *	P *
Gravel Pits (see Note #6)*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~

*Notes-see PMC 15.07.100.4
Permitted in Zone

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not

Permitted

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Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Attest

Susan O Bray, City Recorder Perry City

STAFF ONLY	Date Application Received: <i>Oct 28, 19</i>	Application Received By: <i>OS</i>
Concept Fee Amount:	Date Fee Received <i>400.00 - amendment</i>	Fee Received By: <i>OS</i>
<i>new</i> Preliminary Fee:	Date Fee Received	Fee Received By:
Final Fee Amount:	Date Fee Received	Fee Received By:
Construction Fee:	Date Fee Received	Fee Received By:
	Public Hearing Date:	

Page 1

*Perry City, Box Elder County, Utah
A Part of the Southwest Quarter of Section 2,
Township 8 North, Range 2 West, Salt Lake Base & Meridian*

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, duly qualified under the provisions of the Professional Engineers and Professional Land Surveyors Act; and by the authority of the owners, I have completed a survey of the property described herein and shown hereon this plat in accordance with section 17-23-17 and have verified all measurements and shown hereby Subdivided said tract into two (2) lots, to-wit: Lot 1 and Lot 2, as shown hereon. The boundaries of said lots as represented on the plat hereon, have been located and/or placed on the ground as shown hereon.

Signed this _____ day of _____
K. Greg Hansen P.L.S.
Utah Land Surveyor Ucence No. 167819

A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 8 NORTH,
RANGE 9 WEST OF THE SALT LAKE BASIN AND MERIDIAN,
BEGINNING AT A POINT LOCATED 1578.86 FEET NORTH 01°09'12" EAST (NORTH
1585.3 FEET BY RECORD) AND 688.46 FEET NORTH 89°20'38" WEST (SOUTH
89°20'08" WEST BY RECORD) FROM THE SOUTHEAST CORNER OF
SAID SOUTHWEST QUARTER;

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE SEVERAL LOTS AND PARCELS OF LAND IN THE CITY OF PERRY, OKLAHOMA, HAVE DECIDED AS SHOWN ON THIS PLAT AND HAVE SAID CITY PERRY SUPERVISOR AND HERETOFORE DESIGNATE, GRANT AND CONVEY TO THIS CITY, ROY ELDER, COUNTY, UTAH, ALL THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS AND FOR THE OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY PERRY CITY, FINALLY, AND OTHER LOT, PARCEL OR OTHER TRACT OF LAND DESIGNATED AS BEING INCORPORATED AND/OR CONVEYED TO PERRY CITY FOR ROADS, OPEN SPACE, PARKS, RECREATION, OR OTHER PUBLIC PURPOSES, AND SAID TO BE THE DATE OF THE WITNESS WE HAVE HEREUNTO SET OUR SIGNATURE THIS _____ DAY OF _____, 2016.

State of Utah
County of Box Elder

[illegible]

State of Utah, County of Box Elder, Recorded and
Filed at the Request of _____
Date _____ Time _____ Fee _____
Abstracted _____
Index _____
Filed in: _____ File of Plots _____
County Recorder _____



County Clerk. I, _____, County Surveyor, do hereby certify that the Box Elder County Surveyor's Office has reviewed this plat for Mathematical Correctness, Section Corner Data, and Monumentation, and that the same is correct and conforms for Harmony with Lines and Monuments on Record in County Offices. The Approval of this Plat by the Box Elder County Surveyor does not Relieve the Licensed Land Surveyor who Executed this Plat from the Responsibilities and/or Liabilities Associated Therewith.

County Supervisor

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 2018

ATTORNEY

ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 2018 BY THE
PLANNING COMMISSION AND THE
PEERY PLANNING COMMISSION.

CHAIRMAN

APPROVAL AND ACCEPTANCE

PRESENTED TO THE _____ THIS _____ DAY OF _____
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR

ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE PERRY CITY OFFICE.

CANCER

Developers:
Jeff and Jan Karr
2925 South May St
Perry City, Utah 84302
(435) 734-0085

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
338 North Main Street, Brigham, Utah 84302
Visit us at www.holies.net
Opden Logan
Brigham City (801) 390-9005 (435) 752-0272
(801) 722-5491

WU-MEDCO Corp. Sec. 101-01, P.O. Box 101

Celebrating 60 Years of Business

Celebrating 60 Years of Business

Staff Report

December 5, 2019

Perry City Planning Commission



1. **Kerr Subdivision – Jeff Kerr**, located at 2925 S Hwy 89 (02:029:0036).

Summary

The applicant received approval of a subdivision on this property last year. The subdivision created a small parcel (0.018 acres) that would include an existing billboard. The property owner is requesting a subdivision amendment to adjust the lot lines for this property. The previous plat showed the lot to be 44' deep. The applicant is proposing the lot to be approximately 119' deep (0.065 acres).

Code Compliance

The lot size and frontage requirements for the NC2 zone are 'By Design Review.' Many of the typical infrastructure considerations with a subdivision would not apply to this situation. The plat also includes restrictive language to notify a potential buyer that the small lot may not be available for all uses because of its size.

Considerations and Recommendations

It appears everything is in order for this subdivision amendment.

APPLICATION FOR SUBDIVISION DEVELOPMENT

STAFF ONLY	Date Application Received: <u>10/23/19</u>	Application Received By: <u>AUOAN</u>
Concept Fee Amount: <u>50.00</u>	Date Fee Received: <u>10/23/19</u>	Fee Received By: <u>AUOAN</u>
Preliminary Fee:	Date Fee Received:	Fee Received By:
Final Fee Amount:	Date Fee Received:	Fee Received By:
Construction Fee:	Date Fee Received:	Fee Received By:
	Public Hearing Date:	

Complete all sections below. Please print legibly

Applicant Information (Property Owner)

Nathan Wheeler
Name (First and Last)

435-723-5760
Phone Number

2542 S Elm Grove
Address

Perry
City

84302
Zip Code

Authorized Agent Information (Contact Person)

Doug Wheeler
Name (First and Last)

208 339 3047
Phone Number

709 N Radford Ln
Address

Eden
City

alpineexcavating@gmail.com
Email

84310
Zip Code

Engineer / Surveyor

Brett Hadley
Name (First and Last)

bdhadley81@gmail.com
Company Name

Phone Number

Fax Number

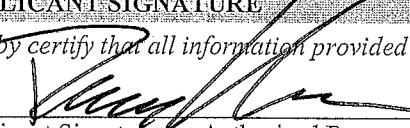
Address

City

Zip Code

APPLICANT SIGNATURE

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the rules listed below.


Applicant Signature (or Authorized Representative)

10 / 23 / 2019
Date

- (1) All sections of this application must be complete and will not be reviewed until fees have been received.
- (2) The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
- (3) Complete documentation must be submitted to the City 14 days in advance of any meeting.
- (4) The applicant (or a representative) must be present at a meeting for action to be taken.
See Perry Municipal Code 42.07, 43.04.030, 43.04.035, Title 52 and Title 54.

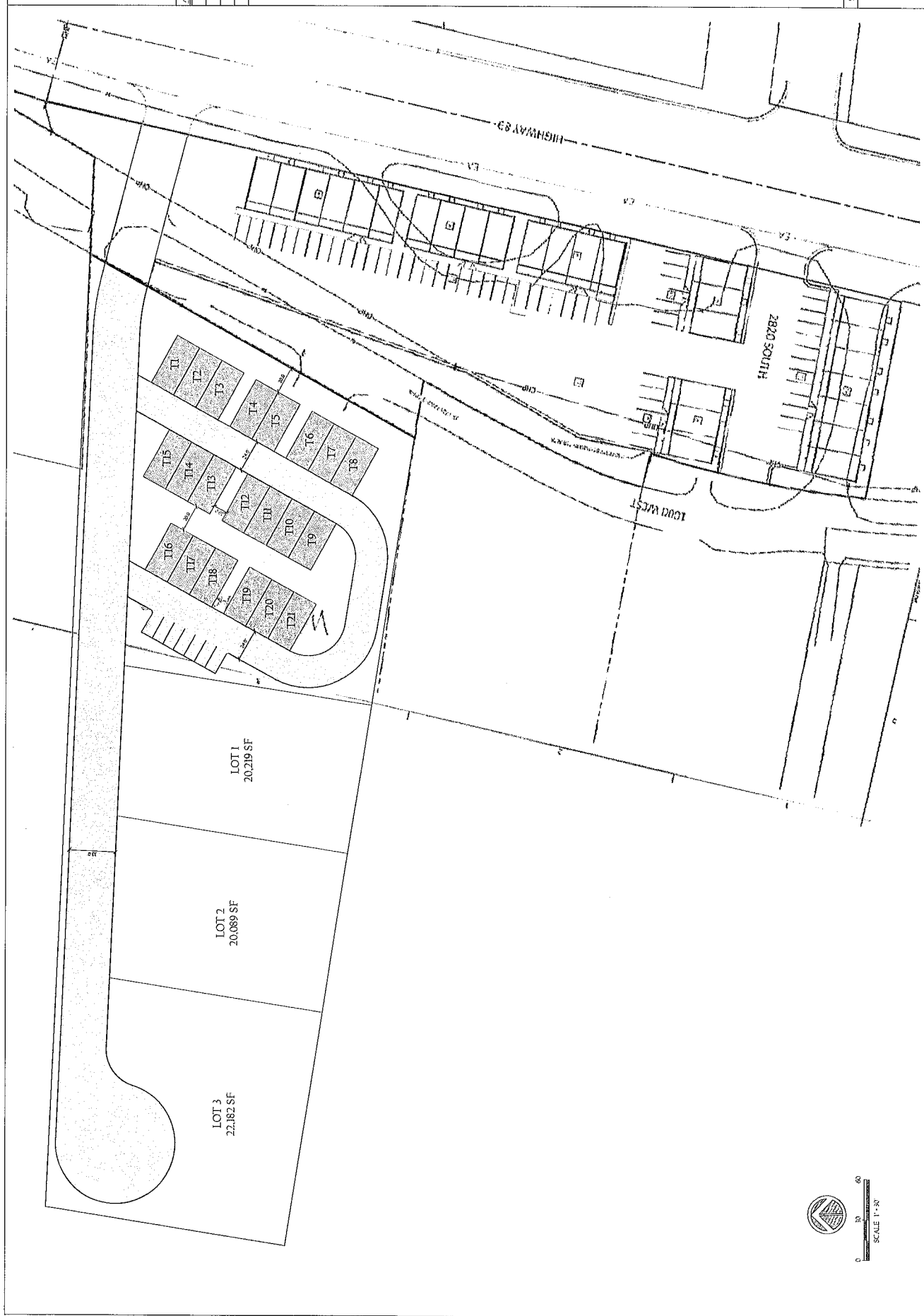
Parcel Number(s) & Address(es) effected by subdivision:

2820 S 1000 W. 02-028-0056

WHEELER PROPERTY
PRELIMINARY SITE PLAN
2790 S. 1000 WEST PERRY, UT

9-26-2019 RDR

REVISIONS



Staff Report

December 5, 2019

Perry City Planning Commission



1. **Wheeler Subdivision – Doug Wheeler**, Concept Application, located at 2790 S Hwy 89 (02:028:0056).

Summary

The applicant has submitted a concept plan for three single family lots and 21 town homes. The property is approximately 3.3 acres with a portion of the property in the NC2 zone and the rest in the RE ½ zone.

Concept applications are an opportunity for the applicant to receive feedback from the Planning Commission and staff. There is no required level of detail or information for this application. In this case the overall concept appears to be favorable and compatible with our zoning code and the surrounding area. There are many items of information that will need to be reviewed moving forward and a few changes needed to fully comply with the code.

Code Compliance and Notes

1. Staff strongly recommends requiring stub roads to the north, south, and west. A north-south road is shown in this area on our transportation map and many of the surrounding properties are landlocked or have limited access. While there are no dimensions on the plans to verify the length of the cul-de-sac it appears the length exceeds our maximum allowance of 600'.
2. The neighboring JJTL property is vested with an application for townhomes. A portion of their proposed townhomes fall within the same district as this property for purposes of multi-family unit allotment. We will not know exactly how many townhomes will be allowed on this property until the neighboring property receives final approval on their development. Currently this district is allowed 30 total units and it appears 14 are planned on the neighboring property within the same allotment district. It is likely that this application will need to reduce the number of units slightly or the City could amend the map to allow a few additional units.
3. The access from Hwy 89 is entirely dependent upon the neighboring development.
4. The proposed single family lots conform to the lot sizes of the RE1/2 zone (20,000 sf). It may be worth considering a zone change to R1 as much of the surrounding properties are zoned R1 and this could allow an additional lot for the developer.
5. 2 ½ parking stalls per unit will be required. These can be open stalls or garage spaces.
6. 25% of the townhome site needs to be open space.

Considerations and Recommendations

If Planning Commission is favorable and optimistic regarding the ability of the application to comply with our code requirements, the board should move to approve the application. It is important that key issues or deficiencies are made clear to the applicant as part of the motion.

Staff Report

December 5, 2019

Perry City Planning Commission



Conditional Use Permit for the sale of trailers – Ed Christensen, located at 2765 S Hwy 89

UPDATE

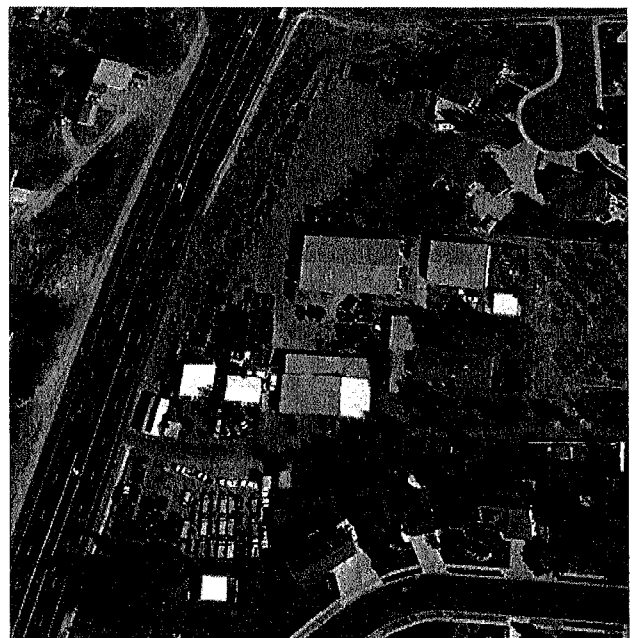
We do not have revised plans at this time. However, staff has been in contact with the applicant and his engineer and it is anticipated that an updated plan will be available for review prior to the meeting. In November meeting we reviewed sections of code relating to conditional use permits and discovered the applicant is required to provide a 25' buffer adjacent to the homes and asphalt surfacing for the trailer display/storage area.

Summary

The applicant has operated Christensen Auto in this area for many years selling vehicles and trailers. It is likely that the original location is a legal non-conforming use. However the business has expanded onto adjacent property in recent years and needs to obtain a Conditional Use Permit and show compliance with the site plan requirements.



2014



2018

The expansion of the business covers three parcels in the NC2 zone. Within this zone 'Vehicle Sales' is the closest listed use to Trailer Sales, and is shown in the code as a Conditional Use. The property

is adjacent to Highway 89 on the west with single family homes surrounding the remaining sides of the property.

The applicant has submitted a site plan showing the existing grading and rock walls on the site. No new structures are proposed within the expansion area considered with this application.

Code Compliance

The site is required to meet all site plan requirements, which includes the following:

- 15% of the site landscaped with a certain number of trees and shrubs.
- Storm water plan.
- 6' solid fence between the commercial business and residential areas.

The submitted site plan does not show compliance with these requirements. In addition the applicant has indicated they intend to install a new retaining wall on the site that was not shown on the original submittal. The submitted plan does not indicate what areas will be used for trailer display or other business purposes. This additional information may be useful and necessary for the Commission to fully understand the issues on the site and consider potential conditions. The submitted plan does not propose any site lighting.

Considerations and Recommendations

At this time the applicant has not submitted a plan that shows compliance with the code.

Additionally, the Commission should consider if there are any appropriate conditions that should be placed on the permit to mitigate any negative impacts of the proposed use. Some of the issues that could be considered would be the visual appearance of the business from the highway and the impact on adjacent residential areas. Section 15.29 of Perry Municipal Code should be consulted for any proposed conditions on the permit.



Conditional Use Permit Application Planning Commission

*All sections of this application must be complete and fees paid upon submittal or application will be deemed incomplete.

Project Title: Ed Christensen Address of Property: 2765 So Hwy 89

TaxID/Parcel Number: _____ Current Zoning: _____ Number of Lots _____ Total Area/Acres/Sq Ft: _____

Existing Use of Property: Trailer parking Proposed Use Of Property: same

Project Description: leveling lot

Name(s) of Applicant(s) or Authorized Agent(s): Ed + Marie Christensen

Mailing Address: 2765 So Hwy 89 City, State, Zip: Perry, UT 84302

Phone: 435-734-2094 Fax: _____ Email: ed.christensenauto@gmail.com

Name(s) of Property Owner(s) (if other than applicant): same

Mailing Address: same City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Architect/Engineer: Hansen & Associates Company: _____

Mailing Address: 538 North Main St City, State, Zip: Brigham City, UT 84302

Phone: 435-723-3491 Fax: _____ Email: _____

Applicant Certification:

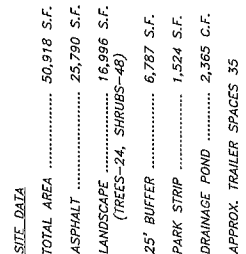
I certify under penalty or perjury that this application and all information submitted as a part of this application is true, complete, and accurate to the best of my knowledge. I also acknowledge that I have reviewed the Perry City Code regarding this application and that items and checklists contained in this application are basic and minimum requirements only and that the other requirements may be imposed that are unique to individual projects or uses. I agree also to comply with any and all applicable City Ordinances in effect at this time. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Perry City may rescind any approval, or take any other legal or appropriate action. I also agree to allow the Staff or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof. I also understand the property owner or the authorized agent will be billed for engineering fees in excess of one hour and will be responsible for repayment of those fees.

Signature: Marie Christensen Date: 10-16-19

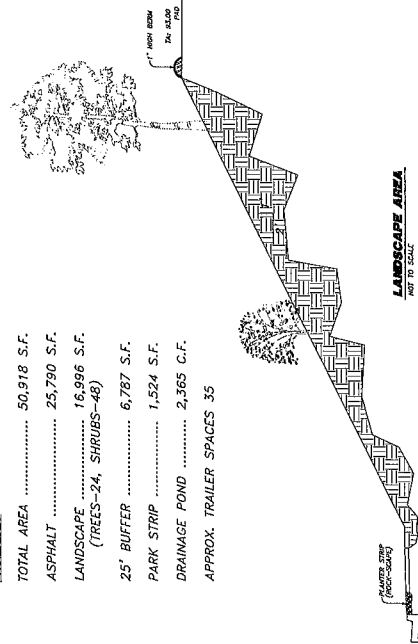
Please note: Attendance at Planning Commission is required by the applicant or a representative. It is the applicant's responsibility to call for meeting dates and times.

Office Use Only

Application# _____ Application Fee \$ 250.00 Date Received 10/16 PC Mtg 11/2/19 Receipt# _____



SITE DATA	
TOTAL AREA	50,918 S.F.
ASPHALT	25,790 S.F.
LANDSCAPE	16,996 S.F.
(TREES-24, SHRUBS-48)	
25' BUFFER	6,787 S.F.
PARK STRIP	1,524 S.F.
DRAINAGE POND	2,363 C.F.
APPROX. TRAILER SPACES 35	



Engineer's Notice To Contractors

The existence and location of any underground utility pipes or structures shown on the drawings shall be confirmed by the contractor. The locations shown are approximate and shall be confirmed in the field by the contractor, so that any necessary adjustment can be made in alignment and/or grade of the proposed improvement. The contractor is required to confirm the locations and depths of all existing underground utility pipes and structures shown, and any other lines claimed by the contractors, research, and others not of record or not shown on these plans.

Engineer's Notice To Contractors

NOTICE:

EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVEYANCE OF THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR PLUMBED INCOMPLETELY.

Call Djs
BEFORE YOU

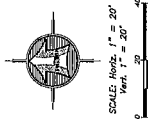
1-800-662-4117
NATIONAL SERVICE

FOR CATALOG INFORMATION
ENTER 175 ON CARD

**SITE PLAN FOR
ED CHRISTENSEN**
2765 S HWY 89
PERRY, BOX ELDER COUNTY, UTAH
A Part of the Northwest Quarter of Section 2
Township 8 North, Range 2 West, S.1.B.M.

Drawn By: _____ Date: 11/22/19
Designed By: _____
Checked By: _____
Approved By: _____
Scale: 1" = 30'
Drawing Title: 19-3-192v15 112719.dwg
JOB NUMBER: 19-3-192

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.holtes.net
Logan
(435) 723-1811
Celebrating over 60 Years of Business



Legend

- [illegible]

1 November 7, 2019
2 Planning Commission Meeting
3 3005 South 1200 West Perry UT 84302
4 7:00 p.m.
5
6

7 **Commissioners Present:** Chairman Michelle Drago, Commissioner Tresa Peterson, Commissioner Marcus
8 Wager, and Commissioner Jan Kerr
9

10 **Commissioner Excused:** Nicole Butler
11

12 **City Staff Present:** Bob Barnhill: City Planner
13 Chris Crockett: City Attorney
14
15

16 **Others Present:** Jim Flint, Kevin Pebley and Rachel Pebley
17

18 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**
19

20 **A. Invocation or thought-**

21 Commissioner Peterson shared a thought.

22 **B. Pledge of Allegiance to the U.S.A-**

23 Robert Barnhill led the Pledge of Allegiance.

24 **C. Declare Conflict of Interest, if any-**

25 None.
26

27 **2. Public Hearings**

28 **A. Public Hearing for the Design Standards for Multi-Family Housing, Apartments, and Neighborhood**
29 **Commercial (NC) Zone**

30 Vice Chairman Drago opened the public hearing.
31

32 Mr. Barnhill reviewed background for this item which was brought up because of a proposal to
33 develop multi-family housing in the Pointe Perry area. He explained the Council is hesitant to
34 move forward with this plan without having design standards in place (to ensure the quality of
35 future multi-family housing developments in the City).
36

37 He said the Council has sent back a direction on implementing design standards and doing a code
38 amendment in the NC zone allowing multi-family housing.
39

40 The Commission and Staff discussed that the design standards and code amendment would need
41 to be completed by May.
42

43 Commissioner Kerr reviewed the feedback from the City Council meeting she attended in which
44 this item was discussed.
45

46 Vice Chairman Drago stated at the City Council meeting which she attended they also discussed
47 this item and said a few of the Council Members expressed the desire of having the housing to
48 reflect Perry's heritage. She said she wasn't sure if they would be able to dictate this.
49

Jim Flint recommended for the design standards highlighting the parking and architectural elements, private streets, and making them workable for the developers.

Kevin Pebley stated he would like the multi-family housing zone extended to his property [his application is Item 3A].

Vice Chairman Drago closed the public hearing.

Commissioner Wagner said they should have another public hearing when this application is actually submitted.

Mr. Crockett verified there will be one more public hearing regarding this item.

3. Land Use Applications

A. Concept Approval for Vintage Farms, location: Hwy 89 & 1550 South. Applicant: Kevin and Rachelle Pebley

Mr. Barnhill reviewed the location of the property in this application. He said the applicant would like to develop some townhomes on their property. He stated at this stage it is important to receive feedback from the Commission on the proposed concept, so the applicant can adjust and be ready for preliminary.

Mr. Barnhill stated the proposed numbers are consistent with code. He reviewed the City Engineer's comments, with no major concerns at this time.

Mr. Barnhill reviewed the current zoning (NC) and the surrounding land use (single family housing).

The Commission and Staff discussed the current road and parking proposal and if they would allow for emergency vehicles.

The Commission and Staff discussed and clarified the proposed setbacks, parking plans (option of moving it towards the back), fencing, waste removal (option of dumpster), and green space.

MOTION: Commissioner Kerr made a motion to approve concept approval for Vintage Farms with the request to see a different design with the parking towards the back and the other items discussed. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

B. Conditional Use Permit for Vehicle Sales Location: 2765 South Hwy 89, Applicant: Ed & Marie Christensen

Mr. Barnhill reviewed the location of this property and the current surrounding structures. He stated they are currently selling trailers from the property. He stated the City is trying to bring the northern portion of the property into compliance. He suggested tabling the item until more information is gathered to bring the applicant into compliance.

Mr. Barnhill said he is going to go out with the applicant on site to get a better idea of moving forward to bring them into compliance (landscaping, fencing, etc.).

Mr. Barnhill said that in the codes regarding conditional uses the Commission needs to consider if the conditional use will cause negative impact to the area or to the neighbors.

The Commission and Staff looked at a home that is very close to the proposed property's boundary line.

Jim Flint (applicant representative) stated the applicant is getting a little more elbow room and compliance and the City would be getting the landscaping in this area. He said the applicant sells 20-30 ft trailers and felt it would be beneficial for Mr. Barnhill to go on site to evaluate the project. Mr. Flint reviewed some of the fencing options and the drainage adjustments with installment of a berm.

Commissioner Kerr expressed concern regarding the rock wall impeding the view of the drivers turning onto 2700.

Mr. Flint said they would investigate this further.

Mr. Barnhill stated the building official brought this property to the City's attention when the applicant approached him about the project.

The Commission and Staff discussed the coding requirements (surfacing, landscape buffer, fencing, variance options, etc.) and putting this item under vehicle sales when they are selling trailers (as the City doesn't have coding regarding selling trailers).

Mr. Flint asked if there is any leeway on the placing this item as a vehicle sale.

Mr. Barnhill stated it either must be classified as a vehicle sale or it's not a permitted use for this zone.

MOTION: Commissioner Wager moved to table this item. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

DISCUSSION: Mr. Barnhill reviewed the code regarding having an item that isn't specifically addressed in the code.

Mr. Crockett stated he would review the State Codes as well regarding this situation.

Mr. Barnhill and Mr. Crockett stated they would investigate this matter further.

C. Preliminary Approval and recommendation for JJTL Properties Subdivision, Location: 2780 South Hwy 89, Applicant: Justin James

Applicant not present.

MOTION: Commissioner Peterson moved to table this item. Commissioner Wagner seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

D. Final Approval and Recommendation for Leading Tech, Location: 1835 S Hwy 89, Applicant: Ryan Forsyth.

Applicant not present.

MOTION: Commissioner Peterson moved to table this item. Commissioner Wagner seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

4. Land Use Ordinance, Zoning, Design Guidelines, General Plan, Etc.

A. Discussion/Action and Recommendation for the design standards for Multi-Family Housing, Apartments, and neighborhood Commercial (NC) Zone.

Mr. Barnhill advised coming up with a plan to move forward with creating these design standards.

The Commission and Staff discussed finding some examples to give a starting point and then, if needed, hiring an architect.

The Commission and Staff felt it would be appropriate to have a work session before the next meeting regarding this item.

The Commission and Staff discussed what cities they felt would be good examples to pull from (Logan, Roy, Eagle Mountain, etc.).

The Commission and Staff discussed the different approaches cities use to approach design standards and which they felt would be the best approach for Perry.

Mr. Barnhill reviewed some design standards that he feels some of the Council Members are leaning towards (landscaping buffer, fencing, etc.).

The Commission and Staff discussed some options of design standards they want to see for this area in the future.

5. Approval of the Minutes

A. October 3, 2019 Regular Meeting Minutes

Commissioner Peterson noted two typos and Commissioner Kerr noted a wording change.

MOTION: Commissioner Peterson made a motion to approve the October 3, 2019 Regular Meeting Minutes subject to the changes. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

C. Report by Commissioner regarding last Council Meeting

Mr. Barnhill reported on the City Council Meeting on October 24th (NC Zone allowance of apartments discussion).

Vice Chairman Drago reviewed the City Council Meeting on the October 10th Meeting (approved Overlay Zone, approved Lot Requirements, and Approved the updated General Plan).

Commissioner Kerr added that at the October 24th meeting the Council requested the Commission pursue the design standards. She stated the Council gave support of the idea of apartments in this zone.

Mr. Barnhill and the Commission reviewed the overlay zone with new Commissioner, Commissioner Wager.

The Staff and Commission discussed and clarified the use of multifamily housing in the City moving forward (especially regarding trainings of owners).

D. Make Assignments for Representative to Attend City Council Meetings (November 14, 2019)

Commissioner Kerr stated she would attend the November 14th meeting.

6. Discussion

A. Future Projects

B. Report on past approved Planning Commission Agenda Items.

None.

239 7. Training

240 A. Staff

241 Mr. Crockett gave a training on public hearing requirements and processes.

242
243 The Staff and Commission discussed and clarified these requirements and processes.

244
245 8. Review Next Agenda and Adjourn

246 A. Items for next agenda

- 247 • Vice Chairman appointment- Commissioner Peterson stated she has a year and a
- 248 half left in her term and would not be renewing. Commissioner Kerr stated she
- 249 would be interested in being the Vice Chairman.
- 250 • Staff Training

251
252 B. Motion to Adjourn

253
254 **Motion:** Commissioner Peterson moved to adjourn. All commissioners were in favor.