

PERRY CITY PLANNING COMMISSION REGULAR MEETING AGENDA

January 7, 2021

7:00 pm regular meeting

3005 S 1200 W Perry, UT

The meeting will be open to the public with five people maximum. Meeting will also be held online.

“Electronic Meeting” Web/Teleconferencing will be used.

The Perry City Planning Commission will hold an electronic meeting on the Thursday identified above, starting at approximately 7:00 PM, via web/teleconference. Go to www.perrycity.org/whats-new.htm.htm for meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration.

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

A. Declare Conflicts of Interest, If any

2. Action Items

A. Public Hearing – Ordinance 20-T Amending Sign Regulations in Perry Municipal Code

B. Public Hearing – Ordinance 21-A Amending Parking Regulations in Perry Municipal Code

C. Plat Amendment Application – Cherry Ridge Subdivision Phase 3 located at approximately 1450 W 3325 S affecting parcels; 02:079:0052, 02:079:0060, 02:079:0051, 02:079:0059, 02:079:0044, 02:079:0061, 02:079:0043, 02:035:0066, Applicant; Frank Fife

D. Subdivision Amendment to Amend Carr/Loveless Subdivisions affecting parcels 03:223:0045 and 03:223:0049 Located at approximately 893 W 2325 S Applicant; Richard Fairbourn

3. Discussion Items

A. Code Amendments & Projects

4. Approval of the Minutes

A. December 3, 2020 Regular Meeting

5. Discussion

A. Future Projects

B. Report on past-approved Planning Commission Agenda Items

C. Report from Commissioner regarding last Council Meeting (December 10, 2020 Electronic Meeting)

**D. Make Assignments for Representative to Attend City Council Meetings
(January 14 & 28, 2021 this will be Electronic Meetings)**

6. Training

A. Staff

7. Review Next Agenda and Adjourn

A. Items for February agenda (next meeting February 4, 2021)

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 these locations: The Perry City Offices, Centennial Park, Perry City Park; Box Elder News Journal; Perry City Website; and State Website; on this 24th day of November 2020. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Tyra Bischoff, Deputy Recorder

Rules for Public Hearings:

- (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 will not be taken during this meeting if the item is not specifically on the agenda.

Perry City is inviting you to a scheduled Zoom meeting.

Topic: January Planning Commission

Time: Jan 7, 2021 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87696876398?pwd=dzRVOUV2bWc3Rmd6QWZkbDVVNnkrQT09>

Meeting ID: 876 9687 6398

Passcode: 906881

One tap mobile

+13462487799,,87696876398#,,, *906881# US (Houston)

+16699006833,,87696876398#,,, *906881# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 876 9687 6398

Passcode: 906881

Find your local number: <https://us02web.zoom.us/j/kbe6S8tBGj>

NOTICE OF PERRY CITY PLANNING COMMISSION PUBLIC HEARING

Notice is hereby given that the Perry City Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry (limited to five (5) public attendees in order to meet CDC social distancing requirements) as well as electronically via web/teleconference, public hearings to receive public comment regarding Ordinance 20-T Amending Sign Regulations and Ordinance 21-A Amending Parking Regulations in Perry Municipal Code. Members of the public may view the meeting via Zoom using a link and instructions on the city web page at: <https://www.perrycity.org/whats-new.htm.htm> or attend in person within capacity limitations. This public hearing will be held in conjunction with the Perry City Planning Commission Meeting, which starts at 7:00 p.m. on Thursday, January 7, 2021. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any individual requiring auxiliary services should contact the City offices at least 3 days in advance (1-435-723-6461).
By: Tyra Bischoff, Deputy Recorder.

Please publish December 23

Thanks

YARD, SIDE: A space on the same lot with a building that is between the side line of the building and side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and side of building. On corner lots, the property owner may choose either frontage as the side yard.

YARD, STREET SIDE: A space on the same lot with a building and is between the side of the building and the street.

YEAR: This term refers to a calendar year.

ZONE: A district as described on the zoning map or in the zoning ordinance.

ZONING ADMINISTRATOR: The local official designated by the local governing body to enforce the regulations of the Zoning Ordinance. The Zoning Administrator may also be the Building Inspector or a City Council Member.

ZONING MAP: The officially adopted map of Perry City specifying the districts and/or areas zoned and the zoning designation of each is the zoning map.

ZONING ORDINANCE: The Zoning Ordinance of Perry City defining zoned areas and permitted land uses within zones and other related information and requirements regarding land use within the City also known as the "Perry City Land Use Ordinance".

SECTION 2: **AMENDMENT** "15.27.010 Purpose And Definition" of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.27.010 Purpose And ~~Definition~~General Provisions

SECTION 3: **AMENDMENT** "15.27.010.1 Purpose" of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.27.010.1 Purpose

~~These sign regulations are intended to encourage attractive, effective, and adequate signs for businesses and services while promoting the general welfare of the community by creating safer street frontages through the use of reasonable sign standards.~~ The purpose of this Chapter is to:

1. Promote the public health, safety and welfare;
2. Reduce potential hazards to motorists and pedestrians;
3. Allow each individual Business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner;
4. Encourage Sign legibility and clarity by the elimination of excessive and confusing Sign displays;
5. Prevent confusion of Signs with traffic signage and regulation;
6. Preserve and improve the appearance of the City and its heritage;
7. Create a unique and attractive environment for residents and visitors;
8. Safeguard and enhance property values;
9. Supplement and be a part of the zoning regulations of the City.

SECTION 4: **AMENDMENT** “15.27.020.1 Conformity, Amortization, And Removal Of Signs” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.020.1 Conformity, Amortization, And Removal Of Signs

If a ~~S~~sign is placed on City property or right of way, or if a Sign does not conform with the requirements of this Title, or if the construction, design, manner of use, or method of anchoring or supporting any ~~s~~Sign makes such ~~s~~Sign unsafe, then Perry City may proceed in any manner it deems necessary to cause the removal, rebuilding, or replacement of the ~~s~~Sign, or to otherwise cause the Sign to conform and/or be made safe. Where immediate action is deemed necessary to protect life, limb, or property, and where the owner of a ~~S~~sign fails to remove or repair such ~~S~~sign within a specified time established by notice from Perry City, Perry City may remove such ~~s~~Sign and extend a statement of expenses incurred in such removal to the persons ~~which~~who caused the Sign to be erected ~~the sign was erected~~.

SECTION 5: **ADOPTION** “15.27.020.3 Land Use Authority” of the Perry Municipal Code is hereby *added* as follows:

A D O P T I O N

15.27.020.3 Land Use Authority(*Added*)

The Land Use Authority for Signs shall be the Community Development Director or designee.

SECTION 6: **AMENDMENT** “15.27.020.4 Building Code Requirements” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.020.4 Building Code Requirements

All ~~s~~Signs must meet the requirements of the building codes adopted by the State of Utah and obtain a building permit as determined by the Building Official.

SECTION 7: **AMENDMENT** “15.27.040 Rules And Regulations” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.040 General Rules And Regulations

SECTION 8: **AMENDMENT** “15.27.020.6 State And/Or Federal Sign Requirements” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.020.6 State And/Or Federal Sign Requirements

Any ~~s~~Sign on State or Federal property, or Signs within state right of way or state transportation corridors, must meet all of that agency’s requirements (in addition to this Title).

SECTION 9: **AMENDMENT** “15.27.030.1 Corner Lot Triangle” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.030.1 ~~Corner Lot Triangle~~Setbacks

Signs shall be located a minimum of five (5) feet from property boundaries. No ~~s~~Sign shall be located within the established ~~forty thirty~~ (30') foot site triangle on any street corner~~lot~~.

No Sign shall be located within the public right of way or the required setback area.

This section shall not apply to Attached Signs.

1. Refer to PMC 15.23.010.3 for requirements.

SECTION 10: **AMENDMENT** “15.27.030.2 Window Sign Location” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.27.030.2 Window Sign Location

No ~~s~~Sign located in a window shall exceed ~~twenty-five~~thirty (~~25~~30%) percent of the total area of the window through which they are visible. ~~Window signs shall meet all building codes.~~

SECTION 11: **AMENDMENT** “15.27.030.4 Additional Location Restrictions” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.27.030.4 Additional Location Restrictions

~~With the exception of directional signs (see definition in PMC 15.27.010.2(7)) owned by the city or other governmental agencies, n~~No ~~s~~Sign shall be erected or placed within any City right of way or any public street, sidewalk, or bicycle path unless expressly authorized by the city or the Utah Department of Transportation, as applicable, and in accordance with the PMC. The city employees may remove any ~~s~~Sign located within these areas.

SECTION 12: **AMENDMENT** “15.27.040.1 Noise” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.27.040.1 Noise

It shall be unlawful to use any radio, whistle, bell or any other sound or noise making device for advertising purposes or in connection with any sign, ~~W~~with the exception of a low decibel noise incidental to the operation of a motorized sign.

SECTION 13: **AMENDMENT** “15.27.040.2 Painting, Pasting, And Gluing” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.040.2 ~~Painting, Pasting,~~Prohibited Materials And ~~Gluing~~Attachments

No ~~s~~Sign shall be painted, pasted, or glued directly on any wall or roof. No permanent ~~S~~Sign may be affixed directly on any wall or roof by means of ~~any similar~~ adhesive substance. No paper or cloth ~~S~~Sign shall be tacked directly on to any wall or roof.

SECTION 14: **AMENDMENT** “15.27.040.3 Prohibited Signs” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.040.3 Prohibited Signs

The following is a list of prohibited signs:

1. ~~Any sign which is prohibited by PMC 15.27.030.~~Any ~~s~~Sign which contains obscene material, or material, which taken as a whole, appeals to prurient interest.
2. Any sign not expressly permitted or deemed not regulated by the PMC.
3. ~~Any sign emitting sound, except menu speaker boards.~~Any ~~s~~Sign erected over any public right of way, street, or alley, except as herein expressly provided ~~as a temporary sign.~~
4. ~~Any off-premises commercial signs, except for “mobile signs,” allowed as follows: Temporarily allowed by an annual permit, to be reviewed (for compliance with current ordinances, including this Section and PMC 15.27.020.1) by the Planning Commission, after a recommendation from the Community Development Department, which permit is good through December 31st of the year issued; May only be located in non-residential uses in the NC2 and NC3 Zones; Shall be limited to 1000 feet spacing intervals; and Shall be permitted in size to up to 100 square feet.~~
5. ~~Any sign (except a City or other government sign) on City right of way, unless specifically allowed otherwise by ordinance.~~
6. ~~Any sign (except with a UDOT permit) on State right of way.~~
7. Signs placed on vehicles, trailers, containers, etc., which are parked or located for the primary purpose of displaying said Sign.
8. Any ~~S~~Sign which:
 - a. Blocks or obscures necessary vision or line of sight for motorists, pedestrians, or other traffic;

- b. Interferes with power or telecommunications lines;
- c. Interferes with a public utility easement; or
- d. Otherwise constitutes a significant health or safety hazard.

SECTION 15: **AMENDMENT** “15.27.040.4 Lighting” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.040.4 Lighting And Electronic Message Displays

~~The following are requirements for lighting of signs:~~ The purpose of regulating Sign illumination is to prevent light trespass and provide clear illumination of Signs without causing potential hazards to pedestrians and vehicles.

1. ~~Signs may be illuminated by indirect lighting, floodlights or luminous tubes only.~~ No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining residential property, public right of way, or in any manner which constitutes a nuisance.
2. Lighting shall not flash or move in any manner.
3. The intensity of Sign lighting shall not exceed that necessary to illuminate and make legible the sign from the adjacent travel way of closest right of way.
4. Externally lit ~~s~~Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the ~~s~~Sign without causing glare. Light bulbs and lighting tubes shall be shielded so as to not be directly visible from adjacent public right of ways or residential properties.
5. No Sign lighting or illumination shall be erected or maintained closer than seventy-five (75) feet from any residential use or zone.

The following are requirements regarding Electronic Message Display Signs:

1. Shall not be erected or maintained closer than seventy-five (75) feet from any residential zone or use.
2. Electronic Message Display Sign area shall be subtracted from the allowable square footage for signage and shall account for no more than fifty percent (50%) of the total allowable Sign size.
3. Signs must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn as measured from the Sign's face at maximum brightness. (or as an alternative: Light emitted from these Signs shall not exceed 3.0 lux at maximum brightness when viewed from a distance of 15 meters.)
4. An Electronic Message Display Sign may not flash or scintillate except to change the displayed wording to different wording. Any display on the electronic message center

- must remain lighted for at least two (2) seconds.
5. An Electronic Message Display Sign located within five hundred feet (500') of a residential zoned area or use, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day.
6. Electronic Message Display Signs are not permitted as an Off-Premise Sign.
- ~~1. Illuminated and electronic message display signs (defined in PMC 15.27.010.2(8)) are prohibited in residential zones. Enforceable?~~

SECTION 16: **AMENDMENT** "15.27.040.5 Sign Maintenance" of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.27.040.5 Sign Maintenance

The following are requirements for ~~s~~Sign maintenance:

1. Signs regulated by this title shall be maintained in good visual appearance and structural conditions at all times and:
 - a. Signs "tagged" by malicious painting or marking shall be repaired within seven (7) days;
 - b. Signs that are physically damaged in a way that creates any safety concern shall be removed or repaired immediately; and
 - c. Signs that are physically damaged but do not present a safety concern shall be repaired within six (6) months;
2. Signs that are not maintained shall be considered Abandoned and a Public Nuisance in accordance with PMC 8.02 ~~to be abandoned according to PMC 15.27.020.7,~~ and shall be removed by the owner or ~~(or signs may be removed~~ by Perry City at the expense of the owner according to PMC ~~15.27.020.3~~ 8.02); and
3. Perry City shall in no way be liable for negligence or failure of the owner (or the person responsible) to maintain~~ing~~ any ~~s~~Sign.

SECTION 17: **ADOPTION** "15.27.050.1 Table Of Regulations" of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.27.050.1 Table Of Regulations(*Added*)

1. Signs permitted with the A, C, C1, M/I, and M/I L zones.

<u>Sign Type</u>	Size	Height	Notes
<u>Off-Premise</u>	700 sq. ft.	40 ft.	Permitted only within 200 ft. of the I-15 right of way. Shall not be located within 2,000 ft. of another off-premise sign.
<u>On-Premise</u>			
<u>Detailed</u>	<u>300 sq. ft. plus 40 sq. ft. per additional advertiser sharing the sign</u>	<u>30 ft.</u>	
<u>Attached</u>	<u>3 sq. ft. per Front Foot of Building Occupancy</u>	<u>No more than 8 ft. above the building</u>	<u>No single sign shall exceed 400 sq. ft. and the total area of signage shall not exceed 850 sq. ft. per advertiser.</u>

2. Signs permitted within the NC2 and NC3 zones.

<u>Sign Type</u>	Size	Height	Notes
<u>Off-Premise</u>			Not Permitted
<u>On-Premise</u>			
<u>Detailed</u>	<u>150 sq. ft. plus 20 sq. ft. per additional advertiser sharing the sign.</u>	<u>25 ft.</u>	
<u>Attached</u>	<u>3 sq. ft. per Front Foot of Building Occupancy</u>	<u>No more than 8 ft. above the building</u>	<u>The total area of signage shall not exceed 150 sq. ft. per advertiser</u>

3. Signs permitted within the IC zone.

<u>Sign Type</u>		Size	Height	Notes
<u>Off-Premise</u>		700 sq. ft.	40 ft.	Permitted only within 200 ft. of the I-15 right of way. Shall not be located within 2,000 ft. of another off-premise sign.
<u>On-Premise</u>				
	Deta ched	700 sq. ft. plus 400 sq. ft. for one additional advertiser	110 ft.	
	<u>Attac hed</u>	<u>3 sq. ft. per Front Foot of Building Occupancy</u>	<u>No more than 8 ft. above the building</u>	<u>No single sign shall exceed 400 sq. ft. and the total area of signage shall not exceed 850 sq. ft. per advertiser.</u>

4. Multiple Signs for one Advertiser may be approved so long as the total Sign Area meets the Size limitations of this Chapter.

SECTION 18: **ADOPTION** “15.27.050.2 Miscellaneous Sign Types” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.27.050.2 Miscellaneous Sign Types(*Added*)

1. Unregulated Signs include:
 - a. Signs not exceeding four (4) square feet normally associated with residential uses and that are not of a commercial nature, such as:
 - i. Signs giving property identification names or number;
 - ii. Signs on mailboxes;
 - iii. Signs posted on private property relating to parking, trespassing, or warnings.
 - b. On-premise Signs placed in or on windows, covering less than fifty percent (50%) of the window area, that are clearly temporary in nature and promote specific sales or events.
 - c. Government Signs.

- d. Flags, pennants, or insignia of any government or nonprofit organization when not displayed in connection with any commercial advertising or promotion.
- e. Signs associated with school or church events and functions, which are clearly of a temporary nature.
- f. Signs painted or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- g. Temporary and seasonal fruit stand signs.
- h. On-Premise menu boards.

2. Temporary Signs:

- a. Are permitted in all zones and do not require approval by the Land Use Authority.
- b. Shall not exceed fifteen (15) feet in height unless attached to a permitted permanent structure. Shall not exceed fifty (50) square feet unless otherwise specified in the PMC.
- c. Shall be utilized for no more than one hundred eighty (180) days within a calendar year unless otherwise specified.
 - i. Sandwich boards may be utilized in the NC2 zone without a limit on the number of days. They may be placed within the public right of way subject to location requirements determined by the Land Use Authority to ensure proper utilization of the right of way. Sandwich boards shall be removed while the related business is closed.

d. Real Estate Signs:

- i. One non-illuminated Sign per lot or premises, not to exceed eight (8) square feet in sign area in residential zones or for residential property, and thirty six (36) square feet in commercial zones. Such Signs shall be removed not later than fifteen (15) days following sale, rent, or lease.

e. Political Signs:

- i. Not to exceed fifty (50) square feet unless attached to an approved Off-Premise Sign.
- ii. Shall be removed not later than fifteen (15) days following the associated election or ballot measure.

f. Yard/garage sale Signs shall be removed within one week following the event.

g. Business related Temporary Signs:

- i. Signs including banners, balloons, and portable Signs are permitted to Advertise Grand Openings, change in ownership, promotions, liquidations, and other similar events. Such Advertising is permitted for no more than ninety (90) days in a calendar year. Such Signs shall not exceed fifty (50) square feet.

h. Signs with a Temporary Use Permit:

- i. Signs may be approved with the Temporary Use Permit in accordance with this Chapter.
- ii. Up to two Off-Premise Directional Signs may be utilized with the permission of property owners and shall follow the height and size requirements of this Section.
- iii. Signs may only be in place during the approved active operation of the

Temporary Use Permit.

3. Subdivision (Development) Signs:

- a. Are permitted in all zones.
- b. Are a type of Permanent Sign.
- c. No more than two (2) Signs allowed per development.
- d. No more than sixty (60) square feet and six (6) feet in height.
- e. Signs must be owned and maintained by a homeowner's association. Perry City has no current financial obligations for Subdivision Signs, nor shall it assume any such obligations in the future.

4. Construction Signs:

- a. Are permitted in all zones.
- b. Up to two (2) Signs are permitted with approved construction activities, one of which may be placed off-site with approval from the property owner.
- c. No construction Sign shall be erected more than thirty (30) days prior to construction and shall be removed no more than thirty (30) days after completion. In no case shall any particular construction project maintain related Signs for longer than three (3) years.

5. Multi-tenant Signs may be approved in accordance with PMC 15.27.050.1 for adjacent properties, businesses, or common development areas.

6. Directional Signs: Directional signs are permitted as On-premise Signs and permitted within a common development area with adjacent properties. The maximum area for Directional Signs is six (6) square feet. The maximum height is four (4) feet. The maximum number of Directional Signs is three (3) per Advertiser.

7. Signs for Home Occupations in accordance with PMC 15.33.

8. Signs for Schools and Churches:

- a. When such Signs are located in zones where Signs are permitted, they shall follow the regulations for the same.
- b. When such Signs are located in zones where Signs are not permitted, the following regulations apply:
 - i. One Attached Sign not to exceed thirty six (36) square feet in area.
 - ii. One Detached Sign not to exceed thirty six (36) square feet in area and twenty (20) feet in height.
 - iii. All other applicable regulations shall apply.

SECTION 19: **AMENDMENT** “15.27.050.14 Regulations Applicable To School And Church Signs” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.27.050.14 Regulations Applicable To School And Church Signs

~~The following regulations apply to school and church signs:~~

- ~~1. Signs used for schools and churches shall not exceed thirty-two (32) square feet of surface area per side.~~
- ~~2. The signs may be monument or pole style and, if detached, shall meet the requirements in PMC 15.27.050.5.~~

SECTION 20: **AMENDMENT** “4.09.050 Land Use Application Fees” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.09.050 Land Use ~~Application~~ Fees

Zoning Map Amendment:

Zoning Map Amendment	\$400.00
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Annexation:

Annexation	\$800.00
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Subdivision Fees:

Concept Application	\$100.00
Preliminary Subdivision Application	
Residential Subdivision	\$300 plus \$100 per lot
Commercial Subdivision	\$500 plus \$100 per lot
Engineering and Design Application	
Residential Subdivision	\$300 plus \$125 per lot
Commercial Subdivision	\$500 plus \$125 per lot
Final Plat Application	
Residential or Commercial Subdivision	\$300 plus \$125 per lot
Subdivision Amendment	\$400
Reimbursement Agreement Application	Varies

Vacate Fees:

Vacate a Street, Alley, Right-of-way, etc.	\$300.00
Vacate a Subdivision	\$300.00

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

Site Plan, Conditional Use Permit, or Sign reviewed by Planning Commission	\$300
Sign Permit (not reviewed by Planning Commission)	\$50.00

Temporary Use Permit:

Temporary Use Permit Application	\$100
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Accessory Dwelling Unit Application Fees:

Application Fee	\$100
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Other Special Use Permit Fees:

Certificate of Existence for a Non-Conforming Use/Structure	\$50.00
Other Non-Conforming Use/Structure Application	\$150.00
Zoning/Boundary Policy Application	\$150.00

Land Use Appeals:

Land Use Appeals and Variances	\$200.00
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Land Use and Zoning Violations:

<u>Violation</u>	<u>Up to \$1,000 per day or incident</u>
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SECTION 21: **AMENDMENT** “15.01.040 Enforcement And Penalties” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.01.040 Enforcement And Penalties

Any person, group, firm or corporation, whether a principal, agent, employee or otherwise, violating, causing, or permitting violations of the provisions of this ~~chapter~~ ~~title~~ shall be guilty of misdemeanor (Class B, unless otherwise identified). Such person, group, firm or organization shall be deemed to be guilty of a separate offense of each day during which any portion of any violation of this chapter is permitted or continued by such person, group, firm or corporation. A Land Use Authority or Appeal Authority may, if allowed by law, delay or refuse to act on a land use application until action required regarding a prior land use application is completed or may use any other remedies allowed by land use law. Perry City may by action of the City Council also institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use.

SECTION 22: **REPEAL** “15.27.010.2 Definitions” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.010.2 Definitions~~ (*Repealed*)

~~The following definitions are:~~

1. Advertising: Any means by which one directs attention to a use, product, commodity, or service.
2. Billboard Sign: A permanently fixed structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
3. Community Development Department: Refers to the Community Development Department, building officials/inspectors, and to relevant City staff implementing this title.
4. Construction Site: A site on which a construction permit or building permit has been issued by Perry City.
5. Detached On-Premise Sign: Permanently fixed sign structure that is not attached to the building as a flat or projecting sign for the purpose of advertising, directing, or identifying a business that is on premise. See PMC 15.27.050.5 for requirements.
6. Directional Sign: A sign that communicates traffic to on-site destinations or as off-premise directions to business or property. Directional signs may include text, directional, and other approved symbols. See PMC 15.27.030.4 for requirements.
7. Electronic Message Display Sign: A sign which uses changing patterns of light to display public information or commercial messages. (Prohibited in residential zones). See PMC 15.27.040.4 and PMC 15.27.050.6 for requirements.
8. Flat Sign: A sign which is erected parallel to the outside wall or window of a building and projecting not more than eighteen (18”) inches from the wall or window.
9. Grand Opening Sign: A type of Temporary Sign announcing the opening of a new

- business or change in ownership. See PMC 15.27.050.9(6) for requirements.
10. Identification Sign: A sign identifying places or buildings of non-commercial nature.
 11. Marquee Sign: A sign placed over the entrance of a building (or placed on a part of the building that projects over the entrance). See PMC 15.27.050.8 for requirements.
 12. Monument Sign: A sign placed upon the ground that is supported by a frame or supports placed in or upon the ground.
 13. Nameplate: A non-electric, on-premise identification sign giving only the name, address, directions for entry, and/or occupation of an occupant (or group or occupants). The maximum size shall be two (2) square feet. As per PMC 15.27.020.2, no permit (building permit or limited review permit) is required for a nameplate.
 14. Off-Premise Sign (including "Special Mobile Signs"): Any sign related to a business that is not located on the site/property of that business to which it is related. An off-premise advertising sign is only allowed in the following two situations:
 - a. A billboard sign (defined in this Section), which must meet the requirements of PMC 15.27.050.7; or
 - b. A "mobile sign" (defined in this Section), which is not permanently affixed to the ground or a structure, and which must meet the requirements of PMC 15.27.040.3(5).
 15. On-Premise Sign: located on the property occupied by the business or owner of the sign.
 16. Political Sign: A sign which expresses a position, conveys a message concerning, or advocates a position on the candidacy of a person, party, or issue on an upcoming ballot. See PMC 15.27.050.12 for requirements.
 17. Property Sale Sign: A sign related to a single property on which it is located and offering such property for sale or lease. See PMC 15.27.050.13 for requirements.
 18. Right of Way: the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another. include ground signs that rest on or overlap a roof twelve (12") inches or less.
 19. Roof Sign: A sign which is erected on or over the roof of a building. A roof sign does not include ground signs that rest on or overlap a roof twelve (12") inches or less.
 20. Mobile Sign: A sign which is not permanently affixed to the ground or a structure, and which must meet the requirements of PMC 15.27.040.3(5).
 21. Temporary Off-Premise Commercial Sign: Pertains specifically to NC2-Nc3 Zones. Must meet requirements of PMC 15.27.050.10.
 22. Temporary Off-Premise Event Sign: Allowed in all zones. Any temporary sign related to a business/development/event that is not located on the site/property of that business/event to which it is related. Must meet the requirements of PMC 15.27.050.9.
 23. Temporary Sign: Any sign that is not intended to be permanently installed (including banners, free standing, etc.) As per PMC 15.27.020.2, no permit (building permit or limited review permit) is required for temporary signs under four (4) square feet in size. Must meet the requirements of PMC 15.27.050.9.
 24. Window Sign: Any poster, cut out letters, painted text or graphics, or other text or visual presentation affixed to or placed within twelve inches (12") behind a window pane which can be read from the exterior of a building.

SECTION 23: **AMENDMENT** “15.27.020.2 Permit For Signs” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

~~15.27.020.2 Permit For Signs~~ (*Repealed*)

~~A building permit is required for all signs addressed in this ordinance except nameplates and temporary signs under four (4) square feet in size. The Perry City Community Development Department office staff may refer any sign permit application to the Planning Commission for review if the office staff believes that the proposed sign does not comply with the Perry City Code. If the Community Development Department deems that the proposed sign complies with the Perry City Code the Community Development Department may approve the permit without the approval from the Planning Commission or the City Council.~~

SECTION 24: **REPEAL** “15.27.020.5 UDOT Controls And Regulation” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.020.5 UDOT Controls And Regulation~~ (*Repealed*)

~~“Utah Outdoor Advertising Controls and Regulation” from the Utah Department of Transportation (UDOT) will be used as the standard guide for areas not covered specifically in this Title.~~

SECTION 25: **REPEAL** “15.27.030.3 Business And Identification Signs” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.030.3 Business And Identification Signs~~ (*Repealed*)

~~Business and identification signs attached to a building may project into a required front or side yard not more than eighteen (18") inches and no less than ten (10') feet above the ground or sidewalk.~~

SECTION 26: **REPEAL** “15.27.040.6 Penalty” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.040.6 Penalty (Repealed)~~

~~Any signs or persons found in violation of this PMC 15.27, will be subject to any civil penalties and/or fees as set forward in the applicable fee schedules in PMC 4.09, Fee Schedules for Perry City.~~

SECTION 27: **REPEAL** “15.27.050.1 Business Advertising Signs For A, AL, C, C-1, M/I, NC2, And NC3 Zones” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.050.1 Business Advertising Signs For A, AL, C, C-1, M/I, NC2, And NC3 Zones (Repealed)~~

~~The following requirements for business advertising signs for the aforementioned zones are:~~

- ~~1. Total square footage of flat or projecting signs that are attached to the building shall not exceed three (3) square feet in combined total area for each linear foot of occupied frontage EXCEPT that the size of any one sign shall not exceed four hundred (400) square feet in area, and the total area of all signage shall not exceed eight hundred fifty (850) square feet.~~
- ~~2. A roof sign shall not extend more than eight (8') feet above the building and must be included in the overall square footage allowance. The roof sign shall be included in the overall height of the building.~~

SECTION 28: **REPEAL** “15.27.050.2 Shopping Center Signs For C, C-1, NC1 And NC2 Zones” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.050.2 Shopping Center Signs For C, C-1, NC1 And NC2 Zones (Repealed)~~

~~The following are requirements for shopping center signs for the aforementioned zones:~~

1. In a shopping center or multi-unit commercial building(s), the frontage for each separate store shall be based on the width of the front of each business and one sign using PMC 15.27.050.1. (which shall be used to determine square footage of each sign).
2. One (1) detached sign may be used to designate the name of the shopping center and must comply with the requirements found within this Chapter.

SECTION 29: **REPEAL** “15.27.050.3 Directional Signs: On-Premise (Allowed In All Zones)” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.3 Directional Signs: On-Premise (Allowed In All Zones) (Repealed)~~

~~The following are requirements regarding directional signs that are on-premise signs:~~

1. Directional Signs that are on-premise are allowed in all zones.
2. The maximum area for any one directional sign shall not exceed five (5) square feet. The Planning Commission may allow an increase in size upon review of the permit and (after recommendation from the Community Development Department).
3. Maximum height is four (4') feet unless located on an existing sign pole. If located on an existing pole, the directional sign must adhere to all standards and restrictions for detached pole signs.
4. Must be located at least six (6') feet from any public right-of-way.

SECTION 30: **REPEAL** “15.27.050.4 Directional Signs: Off-Premise” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.4 Directional Signs: Off-Premise (Repealed)~~

~~The following are requirements regarding directional signs (see definition in PMC 15.27.010.2) that are off-premise:~~

1. Directional off-premise signs are allowed in all zones.
2. Permits for off-premise, directional signs are to be reviewed by the Planning Commission (after a recommendation from the Community Development Department).
3. Must be consistent design, color, and size throughout the City.
4. Must be no larger than five (5) square feet in size.
5. Only two (2) off-premise directional signs are allowed for the same business, or entity.

SECTION 31: **REPEAL** “15.27.050.5 Detached Advertising Signs For A, AL, C, C-1, M/I, NC2, And NC3 Zones” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.5 Detached Advertising Signs For A, AL, C, C-1, M/I, NC2, And NC3 Zones
(Repealed)~~

~~The following are requirements regarding detached advertising signs (see definition in PMC 15.27.010.2(6)) for the aforementioned zones:~~

- ~~1. These signs can be monument type, mono, or bi-pole design and must adhere to all other requirements in this Chapter.~~
- ~~2. Allowed size of three hundred fifty (350) square feet per face. Maximum height of a detached sign shall be thirty five (35') feet.~~
- ~~3. Illumination must be confined to the sign face. Illumination is not allowed within seventy five (75') feet of a residential zone.~~
- ~~4. Only one (1) detached sign per five hundred (500) linear feet of site frontage may be allowed on each individual lot or commercial complex unless a corner or double frontage lot/commercial complex is to be developed. Corner lots may choose two (2) detached signs and only one per street. A minimum of 1000 linear feet of site frontage on each individual lot or commercial complex is required for 2 detached signs except as allowed for Corner lots.~~
- ~~5. Permits for more than one (1) detached advertising sign for the same business must be reviewed by the Planning Commission (after a recommendation from the Community Development Department).~~

SECTION 32: **REPEAL** “15.27.050.6 Electronic Message Display Sign For A, AL, C, C-1, M/I, NC2, And NC3 Zones” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.6 Electronic Message Display Sign For A, AL, C, C-1, M/I, NC2, And NC3 Zones
(Repealed)~~

~~The following are requirements regarding electronic message display signs (defined in PMC 15.27.010.2(8)) for the aforementioned zones:~~

- ~~1. Electronic message display signs were formerly known as animated signs.~~
- ~~2. Planning Commission must review the permit (after recommendation from the~~

Departmet).

3. No animated sign shall be erected or maintained in, or closer than seventy-five (75) feet from any residential zone.
4. All electronic reader board signage shall meet the requirements of PMC 15.27.050.5 and shall be subtracted from the allowable square foot signage.
5. Signs must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness. (or as an alternative: Light emitted from these signs shall not exceed 3.0 lux at maximum brightness when viewed from a distance of 15 meters.)
6. An electronic message center may not flash or scintillate except to change the displayed wording to different wording.
7. Any display on the electronic message center must remain lighted for at least two (2) seconds.
8. An electronic message center locate within five hundred feet (500') of a residential zoned area, or as otherwise determined by the Planning Commission, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day.
9. Electronic message centers are not allowed off premises.

SECTION 33: **REPEAL** "15.27.050.7 Billboard Signs" of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.7 Billboard Signs~~ (*Repealed*)

~~The following are requirements for billboard signs:~~

1. Billboard signs are allowed only in the I-15 corridor which is six hundred (600') feet east and west of I-15. No billboards are permitted along HWY-89.
2. Planning Commission must review the permit (after recommendation from the Community Development Department).
3. Signs may be no taller than fifty (50') feet and have no more than eight hundred (800) square feet of surface board per side.
4. Signs must be a minimum five hundred (500') feet from another billboard sign.

SECTION 34: **REPEAL** "15.27.050.8 Marquee Signs For C, C-1, NC2, And NC3 Zones" of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.8 Marquee Signs For C, C-1, NC2, And NC3 Zones (Repealed)~~

~~The following regarding marquee signs (defined in PMC 15.27.010.2(12)) for the aforementioned zones:~~

- ~~1. Marquee signs may be placed on, attached to, or constructed in a marquee with review of the building permit by the Planning Commission (after recommendation from the Community Development Department).~~
- ~~2. Total allowable square footage shall be determined by PMC 15.27.050.2.~~
- ~~3. The standards as specified in the building codes for Marquees shall govern restrictions in height, projection and clearance.~~

SECTION 35: REPEAL “15.27.050.9 Temporary Event Signs (Allowed In All Zones)” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.9 Temporary Event Signs (Allowed In All Zones) (Repealed)~~

~~The following are requirements regarding temporary signs (see definitions in PMC 15.27.010.2):~~

- ~~1. Temporary signs are allowed in all zones.~~
- ~~2. A temporary sign must be on-site and be no taller than four (4') feet or have no more than thirty-two (32) square feet of surface board per side.~~
- ~~3. Occasional recreational activities may have temporary signs which are off-site and of different size but must be approved by the Community Development Department. These signs include any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials that may be with or without frames.~~
- ~~4. Temporary signs may remain in place for the time period during which the use is required but shall not exceed ninety (90) days.~~
- ~~5. Temporary signs that extend over a public street shall maintain a clearance of twenty (20') feet above the street and be approved by the Community Development Department.~~
- ~~6. Grand Opening Signs (see definition in PMC 15.27.010.2) are a type of temporary sign, and are allowed for only the period of the opening and as long as they do not restrict sight lines for traffic. Such signs are not allowed for more than ninety (90) consecutive days at a time, and there must be a minimum of 1 year between each display period.~~
- ~~7. Temporary signs shall be removed within 15 (fifteen) days following the conclusion of the sale or event that is promoted by the sign, except where other laws are more restrictive.~~
- ~~8. Sign boards shall be secured to prevent personal or property damage caused by wind.~~
- ~~9. Signs attached to sign boards shall be attached in a manner that they are not a source of litter.~~

10. Boards left in place after the removal of temporary signs must meet the same structural and appearance standards of PMC 15.27.040.5 and permit standards of PMC 15.27.020.2.
11. The penalties defined in PMC 15.27.040.6 shall apply to violation of the requirements for temporary signs.

SECTION 36: **REPEAL** “15.27.050.10 Temporary Off-Premise Commercial Signs For NC2 And NC3 Zones” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.10 Temporary Off-Premise Commercial Signs For NC2 And NC3 Zones (Repealed)~~

~~The following are requirements regarding off-premise commercial signs in NC2 and NC3 zones:~~

- ~~1. Allowed by an annual permit, to be reviewed by the Planning Commission, after a recommendation from the Community Development Department, which permit is good through December 31st of the year issued.~~
- ~~2. All such signs will be required to comply with the current code (including PMC 15.27.020.1) before renewal will be granted and a yearly permit can be obtained.~~
- ~~3. May only be located in non-residential use areas in the NC2 and NC3 Zones, subject to the property owner’s approval/digression; and~~
- ~~4. Shall be limited to 1000 feet spacing intervals; and~~
- ~~5. Shall be permitted in size up to 100 square feet per side with yearly permit fees based on total sign square footage (Considerations for slightly increased size of signs may be allowed for signs advertising businesses within Perry City).~~
- ~~6. No sign shall include material that is :prurient” in nature (sexually offensive and outside of 1st Amendment protection).~~
- ~~7. Shall be required to remain in good order; any sign that becomes unsightly or in disrepair shall be cited and the owner required to remove or repair the sign within 14 days or penalties will be imposed.~~

SECTION 37: **REPEAL** “15.27.050.11 Construction And Development Signs (Allowed In All Zones)” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.11 Construction And Development Signs (Allowed In All Zones) (Repealed)~~

~~The following are requirements regarding construction and development signs:~~

1. Construction and development signs are allowed in all zones.
2. One or more signs not exceeding eight (8) square feet in combined total area for each street frontage of the lot are permitted.
3. No more than two (2) signs of a temporary nature are allowed for each approved subdivision under development. The size shall not exceed thirty-two (32) square feet. One (1) sign directing the public to the development may be allowed off-premise with the approval of the Planning Commission and written consent from the owner of the property where the direction sign is placed.
4. Signs on corner lots must comply with PMC 15.27.030.2.
5. No construction or development sign shall be erected more than thirty (30) days prior to construction and must be removed no more than thirty (30) days after completion.

SECTION 38: **REPEAL** “15.27.050.12 Political Or Campaign Signs (Allowed In All Zones)” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.050.12 Political Or Campaign Signs (Allowed In All Zones) (Repealed)~~

~~The following are requirements regarding political or campaign signs (defined in PMC 15.27.010.2):~~

1. Political and/or campaign signs are allowed in all zones.
2. Any election, campaign, or event with two or more parts (primary, general, runoff, etc.) shall count as one election, campaign, or event until the candidate or measure does not prevail or is not allowed by law to move forward to the next part, at which time the election, campaign, or event is deemed to be over for the candidate or measure, and applicable signs for that candidate or measure must therefore be removed within fifteen (15) days after the date of such part of the election, campaign, or event.

SECTION 39: **REPEAL** “15.27.050.13 Property Sale Signs” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.050.13 Property Sale Signs (Repealed)~~

~~The following are requirements regarding property signs:~~

1. Such signs shall be more than ten (10') feet from the property line and not in excess of eight (8') feet in height.
2. Such signs shall not exceed eight (8) square feet per board side.

3. All property signs must be removed within thirty (30) days of the sale of the property or completion of the project.

SECTION 40: **REPEAL** “15.27.050.15 Signs For Residential Uses” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.050.15 Signs For Residential Uses (Repealed)~~

~~The following are requirements regarding signs for residential uses:~~

1. Temporary signs, in accordance with PMC 15.27.050.9.
2. Political and ideological signs, in accordance with PMC 15.27.050.12.
3. Subdivision signs, in accordance with PMC 15.27.050.16.
4. Residential uses shall not be permitted to have permanent or temporary commercial signs, except for Home Occupations in accordance with PMC 15.33.
- 5.
6. Signs for residential uses shall meet all of the requirements within this Chapter.

SECTION 41: **REPEAL** “15.27.050.16 Subdivision Signs” of the Perry Municipal Code is hereby *repealed* as follows:

R E P E A L

~~15.27.050.16 Subdivision Signs (Repealed)~~

~~“Subdivision signs” (defined as signs indicating the name or designation of a subdivision or neighborhood) are only allowed within Perry City limits, except under the following conditions:~~

1. The subdivision must be a minimum of 5 acres;
2. In addition to satisfying the General Provisions for Signs (PMC 15.27.020), subdivision signs shall also comply with Horizontal Clearance (PMC 15.27.030.1), Corner Triangle Lot (PMC 15.27.020), and the Rules and Regulations of (PMC 15.27.040) for signs;
3. No more than two (2) low profile subdivision signs may be allowed.
4. Subdivision signs shall be limited to a maximum of four (4) feet in height above finished grade;
5. Subdivision signs shall be limited to thirty-two (32) square feet per face for each sign;
6. Subdivision signs shall be constructed of materials that are durable;
7. Subdivisions signs shall not have open ponds, or present any other physical hazards that create a condition of being an attractive nuisance;
8. Subdivision signs shall be incorporated into a landscape theme or planter box; and

9. The owner of the property assumes full responsibility for the placement, materials, and maintenance of each subdivision sign and the property where it is placed or, in the alternative, a Homeowners Association must exist for the subdivision and:
 - a. The subdivision sign must be placed on jointly owned property or common area of the Homeowners Association;
 - b. The property must be adjacent to a lot in the subdivision, where the owner is a member of the Homeowners Association;
 - c. The Homeowners Association must assume full responsibility for the placement, materials, and maintenance of the subdivision sign and the common area grounds upon which the subdivision sign rests, including all associated costs; and
 - d. If the Homeowner Association is dissolved, or chooses to no longer maintain the subdivision sign, ownership of the common area or areas where subdivision signs are located must be deeded to the owner of the adjacent lot within the subdivision and the new owner must assume all responsibilities of the property and the subdivision sign. The new owner must be willing to accept the ownership and maintenance responsibilities before the Homeowner's Association is dissolved or maintenance of the subdivision sign is terminated. In the absence of an agreement to maintain the subdivision sign, the subdivision sign shall be removed at the expense of the owners in the subdivision, or may be subject to removal by Perry City according to PMC 15.27.020.3; and
10. Perry City has no current financial obligations for subdivision signs, nor shall it assume any such obligations in the future.

SECTION 42: **REPEAL** “15.27.050.17 Signs In The IC Zone” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.27.050.17 Signs In The IC Zone (Repealed)~~

~~All signage in the Interstate Commercial (IC) Zone shall meet the following requirements:~~

- ~~1. Maximum height of a detached sign shall be One Hundred Ten (110) feet.~~
- ~~2. Signs can be monument type, mono, or bi-pole design and must adhere to all other requirements in 15.27 where applicable.~~
- ~~3. Allowed size of seven hundred (700) square feet per face for a single tenant sign and one thousand one hundred (1,100) square feet per face for a multi-tenant sign. Three sided signs are allowed to increase the sign area by four hundred twenty-five (425) square feet for the third face of the sign. The sign must have a minimum setback of ten (10') feet from property line or sidewalk, whichever is closer.~~
- ~~4. Illumination must be confined to the sign face. Illumination is not allowed within seventy five (75') feet of a residential zone.~~

5. Only one (1) detached sign shall be allowed on each individual lot or commercial complex unless a corner or double frontage lot/commercial complex is to be developed or the lot/commercial complex has more than 1000 linear feet of site frontage. Corner lots may choose two (2) detached signs and only one per street. A minimum of 1000 linear feet of site frontage on each individual lot or commercial complex is required for 2 detached signs except as allowed for Corner lots. When a lot or development has more than one sign, the second sign shall be limited to twenty (20) feet in height and two hundred (200) square feet of copy area.

SECTION 43: **AMENDMENT** “15.27.020.2 Permit For Signs” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

~~15.27.020.2 Permit For Signs~~ (*Repealed*)

~~A building permit is required for all signs addressed in this ordinance except nameplates and temporary signs under four (4) square feet in size. The Perry City Community Development Department office staff may refer any sign permit application to the Planning Commission for review if the office staff believes that the proposed sign does not comply with the Perry City Code. If the Community Development Department deems that the proposed sign complies with the Perry City Code the Community Development Department may approve the permit without the approval from the Planning Commission or the City Council.~~

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

Tyra Bischoff, Deputy City Recorder
Perry City

Staff Report

January 07, 2021

Perry City Planning Commission



Amending the Parking Standards

Summary

Section 14.19.050.4 of the Perry Municipal Code requires 2.5 parking stalls be installed per unit in a multi-family dwelling/apartment development. A developer interested in building apartments in the Pointe Perry area has asked us to consider changing this requirement. I have included a document submitted by the developer outlining parking requirements in other jurisdictions. Their development proposes 2 parking stalls per unit.

In addition, it may be appropriate to consider updates to our parking requirements as a whole. There is a growing sentiment among some planners that cities should do away with parking quantity requirements and allow each developer to determine how many spaces are needed. Most cities still have number requirements, but allow for reductions. Generally it would be good to compare our standards to others.

Here are the parking requirements for Brigham City. Generally Perry City requires higher numbers of parking. Obviously there are many communities with which we can compare parking requirements.

https://media.rainpos.com/1276/chapter_2926_off_street_parking_20190919113256.pdf

Bear River Landing Parking Plan

A Case for Lower Parking Ratios

Three Major Benefits for Reducing the Parking



1. Beautify the project with less asphalt and more amenities / greenspace
2. In addition to the first benefit, tenants will have more community space which provides a better project for the community
3. Less vehicular traffic for cars passing through to the other future commercial sites

Parking Ratios

Quick Look at Parking Ratios of Cities Nearby



**All numbers are based on Stalls Per Unit*

City	Studio	1-Bed	2-Bed	3-Bed	Link
Brigham City, UT	1.3	1.5	1.75	2	https://media.rainpos.com/1276/chapter_2926_off_street_parking_20190919113256.pdf Page 2
Ogden, UT	1.5	1.5	1.5	1.5	(Attachment I) City Council just approved parking changes from 2 to 1.5 stalls/unit
Layton, UT	1.25	1.4	1.75	1.9	https://layton.municipalcodeonline.com/book?type=ordinances#name=19.12.06.0_Parking_Spaces_Required_For_Specific_Land_Uses_(Table_12-1)_And_Bicycle_Parking_Required_For_Specific_Land_Uses_(Table_12-2)
North Ogden, UT	2	2	2	2	https://northogden.municipalcodeonline.com/book?type=code#name=11-17-4_SCHEDULE_OF_REQUIRED_OFF_STREET_SPACES
Providence, UT	1.5	1.5	1.5	1.5	https://providence.municipalcodeonline.com/book?type=ordinances#name=10-4-4_Mixed_Use_District
Logan, UT	1.5	1.5	2	2	Page 62; After quick glance, Logan only has high density in their commercial districts: https://www.loganutah.org/departments/comdev/Land%20Development%20Code/Entire%20202009%20DCL%20Documents%20%204%202020.pdf
South Ogden, UT	1.5	1.5	2	2	https://codellibrary.amlegal.com/codes/southogdenut/latest/southogden_ut/0-0-0-8354
Average	1.51 Stalls/ Unit	1.56 Stalls/Unit	1.79 Stalls/Unit	1.84 Stalls/Unit	N/A

Antidotal Evidence

Our Experiences as Regional Developers Developing in Over 44 Cities



Unit Type	Average ratio	Comments
Studios	1 – 1.5 stalls/unit	Sometimes less than 1 in downtown areas
1-Bed	1 – 1.75 stalls/unit	Typically we see 1.5 stalls with occasional 1 or 1.75
2-Bed	1.5 – 2 stalls/unit	Usually this is 2 stalls/unit, but you'll still see many cities at 1.5 stalls/unit
3-Bed	1.75 – 2.25 stalls/unit	We usually don't see huge deviations from the 2-bed stall count

Parking Demand Estimation

A Quick Look at Potential Parking Demands for Bear River Landing Apts.



Planned Unit Mix	Unit Count	Number of Individuals	Number of Expected Vehicles	Expected Parking Demand
Studio	36	1	1	36 Stalls
1-Bed	132	1 or a couple (2)	1 or 2	198 Stalls
2-Bed	72	Small Family of 3 or 4	2	144 Stalls
Total (average)	240	N/A	(1.5)	378 Stalls

Summary

Proposal of our Parking Plan and the Requested Code Amended Change



Item	Count
Expected Parking Demand	378 Stalls
Expected Parking Demand Ratio	1.58 Stalls Per Unit
Adding additional units above expected demand	480
Parking Ratio with additional units	2 Stalls per Unit

We propose a 2-stall per unit requirement for Bear River Landing Apartments based on the expected parking demands and the generous 27% additional unit increase to the parking ratio. In addition, the 2-stall ratio is above the average for all unit types for the 7 cities near Perry and is typically above what we usually see. This should provide plenty of parking for the project while allowing for beautiful amenity space including the basketball / pickleball courts, clubhouse, and gym. Ultimately, this will yield a great project for the residents and the Perry City community.

Staff Report

January 07, 2021

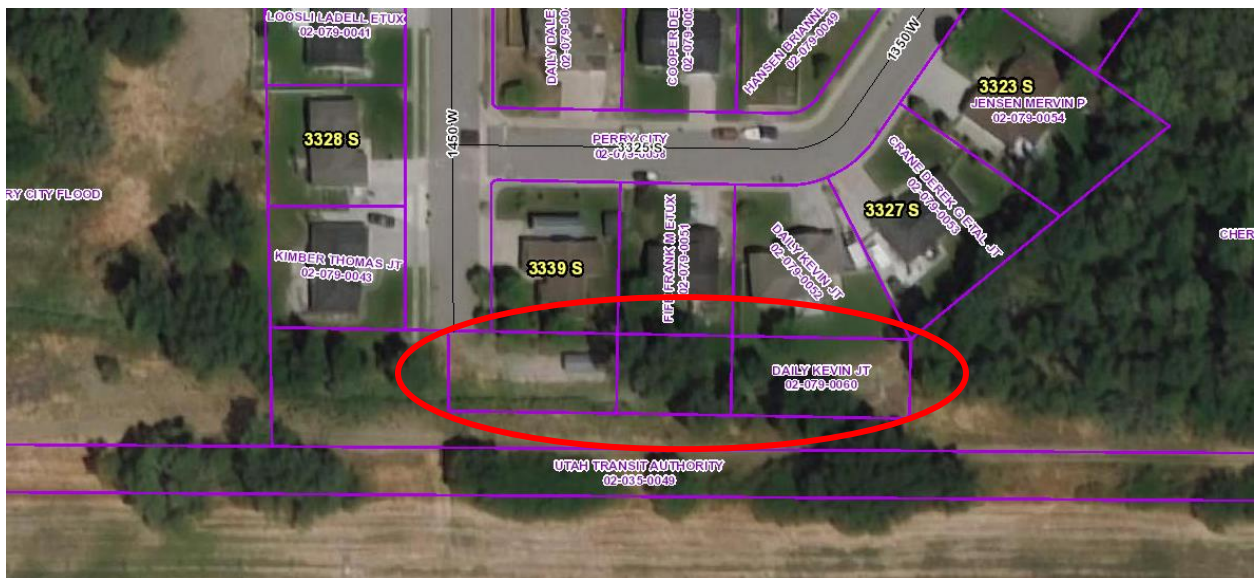
Perry City Planning Commission



Cherry Ridge Plat Amendment

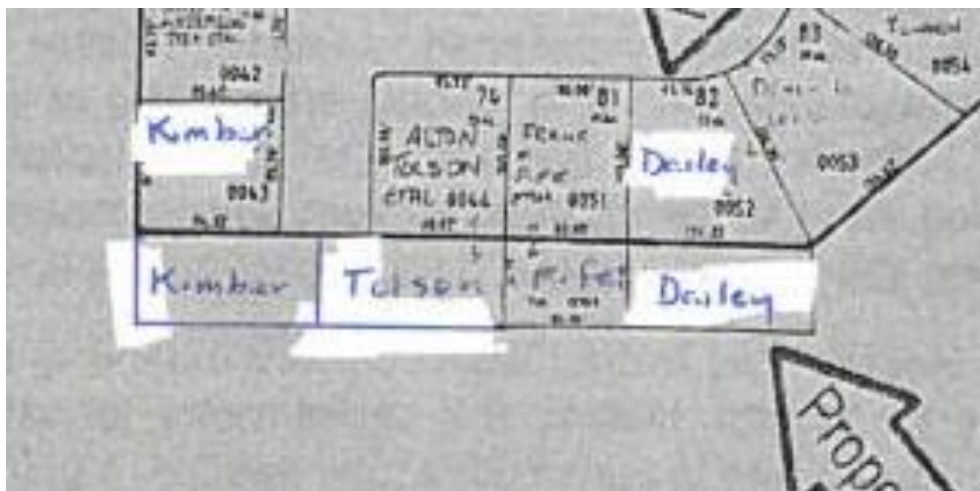
Summary

A few months ago it came to the City's attention that three parcels were created without complying with the subdivision process required by Perry City and the State of Utah. You can see these three parcels here.



It appears these three homeowners intended to extend their backyards. The proper process for this is to amend the subdivision and expand each lot accordingly. As it stands these lots are out of compliance.

In addition to these three non-complying parcels, it appears the homeowner to the west owns a similar non-compliant parcel that does not appear on the County records. They have also joined this application.



Code Compliance

In order to comply with our zoning and subdivision requirements a few things will be required. Firstly, these non-compliant parcels cannot be approved as legal lots as currently constituted as they do not meet the frontage or size requirements. They need to be incorporated into the existing and approved lots. The subdivision boundary will also need to be adjusted to include the expansion of these lots.

In addition, the right of way for 1450 W must be dedicated to the end of the subdivision, which will be extended south as part of this amendment. Our codes also require that the subdivider install improvements along with the dedication of the street right of way. In this unique case, a deferral agreement may be appropriate, or we may determine the requirement for improvements should not be placed upon these property owners.

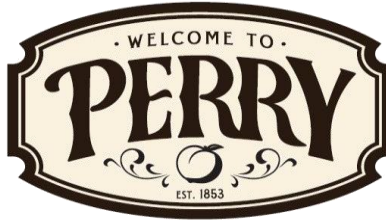
Lastly, there is an existing easement for the flood channel existing through this area. The property owners dispute the validity and allowances of this easement, which predates the Cherry Ridge Subdivision. This easement must be clearly outlined on the plat.

Considerations and Recommendation

We do not yet have a plat to review to ensure right of way, boundaries, and easements are properly accommodated. Without a plat reviewed by our engineer I recommend tabling this item.

Planning Commission should give strong consideration to deferring or waiving the improvement requirements in this unique case.

Some background information to bear in mind is that the City has recorded certificates of non-compliance on the properties. The property owners have retained an attorney and are currently appealing this action.



3005 SOUTH 1200 WEST
PERRY, UTAH 84302

OFFICE (435)723-6461
FAX (435)723-8584

TO: Kimber Thomas
FROM: Perry City
DATE: 28 December 2020
SUBJECT: Plat Amendment Application
PROPERTY: 3338 S 1450 W (02-079-0043)

Dear Property Owner,

This is a letter to inform you of the plat amendment application for Cherry Ridge Subdivision Phase 3 affecting your property that will be discussed at our Planning Commission meeting on January 7, 2020 at 7:00 p.m. To attend the zoom meeting you can go to our website at www.perrycity.org and click on the What's New tab or use the following instructions:

Perry City is inviting you to a scheduled Zoom meeting.

Topic: January Planning Commission

Time: Jan 7, 2021 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87696876398?pwd=dzRVOUV2bWc3Rmd6QWZkbDVVNnkrQT09>

Meeting ID: 876 9687 6398

Passcode: 906881

One tap mobile

+13462487799,,87696876398#,,,,*906881# US (Houston)

+16699006833,,87696876398#,,,,*906881# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 876 9687 6398

Passcode: 906881

Find your local number: <https://us02web.zoom.us/j/kbe6S8tBGj>

If you have any questions please call us at 435-723-6461.

Sincerely,

Perry City

Staff Report

January 07, 2021

Perry City Planning Commission



Plat Amendment – Richard Fairbourn

Summary

This plat amendment would allow two neighbors to adjust their lot boundaries to enlarge one lot and shrink the other. The two lots are adjacent, but in different subdivisions. Both the lot boundaries and the subdivision boundaries will need to be amended.

Following the amendment Lot #1 of the Loveless Subdivision (owned by Richard Fairbourn) will be 0.531 acres. It is currently .372 acres. The difference will be subtracted from Lot 2 of the Carr Subdivision (owned by Michael Bunnell).

Code Compliance

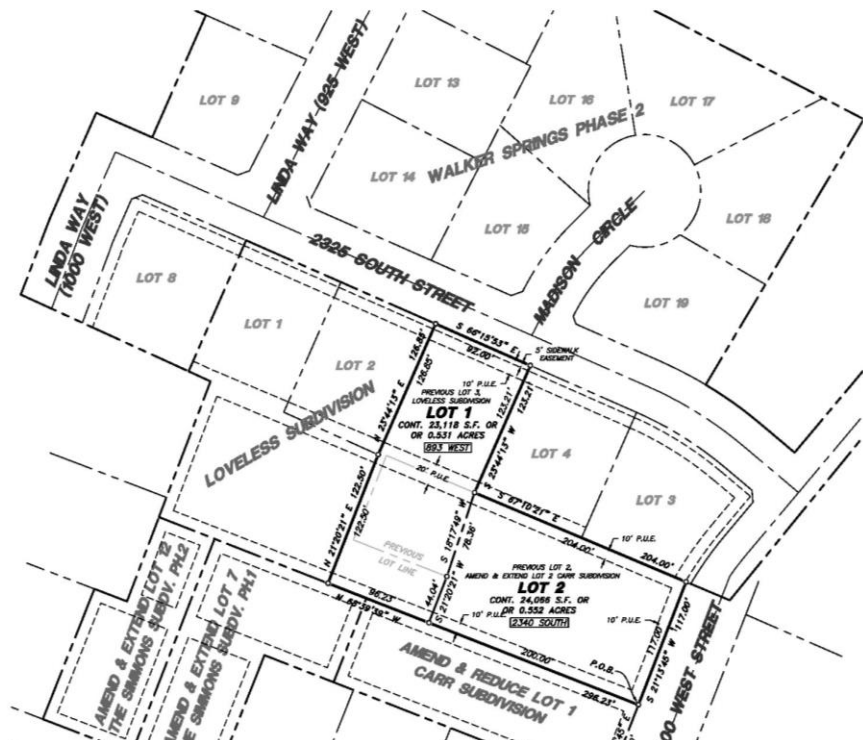
Our engineer is reviewing the plat and his comments are still pending. One update that will be needed is providing the setbacks from the existing garage to the proposed lot lines. We need to ensure our setback requirements are not violated by the proposed lot lines. Otherwise the proposed lots appear to meet our zoning requirements.

Considerations and Recommendation

Following review from our engineer and updated information on the setbacks this application should be ready for approval.

Planning Commission is the final land use authority on this application.

LOVELESS SUBDIVISION FIRST AMENDMENT **AMENDING LOT 3, LOVELESS SUBDIVISION & AMEND AND EXTEND LOT 2, CARR SUBDIVISION** PERRY CITY, BOX ELDER COUNTY, UTAH A PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN



MEMORANDUM

TO: Perry City Planning Commission
Robert Barnhill, Perry City Administrator
Tyra Bishoff, Perry City Recorder

FROM: Brett M. Jones, P.E.
City Engineer



RE: **LOVELESS SUBDIVISION FIRST AMENDMENT – Plat Review**

Date: December 24, 2020

Our office has completed a review of the plat for the proposed Loveless Subdivision First Amendment located at approximately 2325 South and 950 West. Here are our comments:

1. It would be helpful to add references to Perry City in the signature blocks for Approval and Acceptance, Engineers Certificate, and Approval as to Form (possibly just in front of the names).
2. All plat dates referencing 2020 should be updated to 2021.
3. The narrative states the basis of bearings is the Carr Subdivision basis but is showing the assumed Loveless Subdivision bearing on the drawing. Please clarify. We think this could be accomplished with an enhanced narrative description stating what is happening and/or showing both on the plat (one with brackets and one without).

Perry City
3005 S 1200 W
Perry UT 84302

435-723-6461

Receipt No: 1.186405

Dec 7, 2020

Richard Fairbourn/ Lot Line Adjustment

Previous Balance:	.00
Misc. Revenue - Zoning & Subdivision Fee	400.00
Total:	400.00
Check Check No: 1660	400.00
Total Applied:	400.00
Change Tendered:	.00

Duplicate Copy

12/07/2020 4:02 PM

Fairbourn
subdivision
Amendment

Perry City Community Development

Printed: 12/09/2020

Loveless Subdivision

Permit/License #

12/09/2020 - 12/08/2021

6712056

Subdivision: Amendment

Reference Number

Subdivision: Amendment

ff22cf80-35bb-11eb-8328-010ea21ccb85

Application Status

Status

Under Review

Active

Application Review Status

Pre-Review Approved

Date Submitted

Community Not Reviewed
Development

12/03/2020

Final-Review Not Reviewed

Fees**Payments**

Subdivision: Amendment

\$400.00

12/07/2020

Check #1660

\$400.00

Total Fees**\$400.00****Total Paid****\$400.00****Amount Paid****\$400.00**

Application Form Data

(Empty fields are not included)

Please Note: This application is to amend and make adjustments to a plat that has already been approved and recorded. If significant changes are proposed, especially changes that would affect public infrastructure and aspects requiring detailed engineering, the City may require the amendment to go through the complete subdivision approval process beginning with the Preliminary Subdivision Application. This would be done to ensure a proper review is performed and compliance is assured for all proposed changes.

true

After this application is reviewed for completeness you will receive an email from Civic Review asking for payment. Following payment your application will be placed on the next available Planning Commission agenda (usually the 1st Thursday of every month). The deadline to submit items for Planning Commission is three weeks prior to the meeting.

true

Applicant First Name

Richard

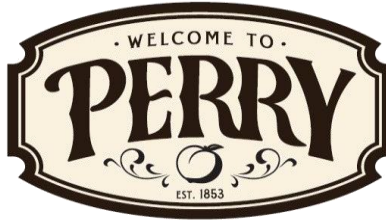
Applicant Last Name

Fairbourn

3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administration costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

Electronically Signed

Richard W Fairbourn - 12/03/2020 4:05 pm



3005 SOUTH 1200 WEST
PERRY, UTAH 84302

OFFICE (435)723-6461
FAX (435)723-8584

TO: Richard Fairbourn
FROM: Perry City
DATE: 28 December 2020
SUBJECT: Plat Amendment Application
PROPERTY: 893 W 2325 S (03-223-0049)

Dear Property Owner,

This is a letter to inform you of the plat amendment application to adjust your lot boundaries in the Loveless/Carr subdivisions affecting your property that will be discussed at our Planning Commission meeting on January 7, 2021 at 7:00 p.m. To attend the zoom meeting you can go to our website at www.perrycity.org and click on the What's New tab or use the following instructions:

Perry City is inviting you to a scheduled Zoom meeting.

Topic: January Planning Commission

Time: Jan 7, 2021 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 876 9687 6398

Passcode: 906881

Find your local number: <https://us02web.zoom.us/j/kbe6S8tBGj>

If you have any questions please call us at 435-723-6461.

Sincerely,

Perry City

December 3, 2020

Planning Commission Meeting

Virtual Meeting

7:00 p.m.

Commissioners Present: Chairman Michelle Drago, Vice Chairman Jan Kerr, Commissioner Tresa Peterson, Commissioner Marcus Wager and Commissioner Julie Jones

Commissioners Absent: None

City Staff Present: Bob Barnhill: City Administrator
Chris Crockett: City Attorney
Kevin Jepps: Mayor

Others Present: Kim Peterson and Melanie Barnhill

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

Chairman Drago called the meeting to order.

A. Declare Conflict of Interest, if any.

None.

2. Action Items

A. Public Hearing for Ordinance 20 – V Amending Title 15 Regarding Design Standards.

Robert Barnhill explained that this is to consider opening design standards to all commercial areas. Right now these standards apply to any multi-family dwellings, apartments, and any development along the highway. He added that current commercial buildings would not be required to follow the standards.

Chairman Drago opened the meeting for public comments and there were none. She closed the Public Hearing at 7:03 p.m.

Chairman Drago suggested moving to Item B and coming back to this.

Chairman Drago said she thinks it is a good idea to adopt some design standards and asked the Commissioners if they want to apply everything or if they want to pick and choose what they apply. Commissioner Kerr asked if these standards applied to commercial buildings only. Mr. Barnhill clarified that it applies to commercial and residential along Hwy 89 as well as multi-family dwellings/apartments. He explained that the question is if they want it to apply the standards to commercial areas everywhere, not just along the highway. Commissioner Wager questioned if there were a reason they would not want to apply them everywhere. Mr. Barnhill said that this started with a focus on multi-family dwellings and a few other areas of concern along the highway. He explained what the changes would be and said they would be minimal. He also added that this would apply for new businesses and that the existing would be grandfathered in.

MOTION: Commissioner Kerr made a motion to send the design standards to City Council for approval with the following changes; that the design standards apply to all developments including commercial, multi-family, apartments, and industrial. Commissioner Wager seconded the motion.

51 **Roll Call Vote:**

52 Commissioner Peterson Yes
53 Commissioner Drago Yes
54 Commissioner Wager Yes

Commissioner Jones Yes
Commissioner Kerr Yes

55
56 **Motion Approved:** 5 Yes 0 No
57

58 **B. Plat Amendment Application – Cherry Ridge Subdivision Phase 3 located at approximately 1450**
59 **W 3325 S affecting parcels; 02:079:0052, 02:079:0060, 02:079:0051, 02:079:0059,**
60 **02:079:0044, 02:079:0061, 02:079:0043, 02:035:0066. Applicant; Frank Fife.**

61 Mr. Barnhill gave some background information on what prompted this subdivision amendment
62 application. He explained that about a year ago it came to the City's attention that these parcels
63 were created without complying with the subdivision process required. He said that it appears
64 that these homeowners intended to extend their backyards by purchasing the property behind
65 them. He discussed what would be required in order to comply in detail including adjusting the
66 subdivision boundary to include the expansion of these lots and the right of way for 1450 W
67 being dedicated to the end of the subdivision. Perry City code also requires that the sub divider
68 install improvements along with the dedication of the street right of way, but in this unique case,
69 a deferral agreement may be appropriate. Mr. Barnhill explained that Planning Commission will
70 be the final land use authority on this and that it will not go to City Council. He said that as the
71 City does not yet have a plat reviewed by our engineer, he recommends tabling this item.
72

73 Commissioner Kerr asked about the parcel on the 3339 S obscuring where the stub road should
74 go. Mr. Barnhill stated that in order to comply with the subdivision requirements, the owner
75 would have to dedicate that portion of their parcel to the City. Ms. Kerr also asked about the
76 Utah Transit Authority having a right of way area that looks like it may connect to the stub road.
77 Mr. Barnhill said that it would need to be addressed when the property owners to the South
78 want to develop in the future and possibly have a discussion with UTA.
79

80 Commissioner Wager asked about the property owners disputing the validity and allowances of
81 the easement for the flood channel existing through the area. Mr. Barnhill gave more detail
82 about the easement and said that the property owners were aware it was there but that they
83 may not have understood the extent of it.
84

85 The Commissioners discussed tabling this until they get more information. They were all in
86 agreement to table it.
87

88 **C. Approve 2021 Planning Commission Meeting Schedule**

89 Chairman Drago said she looked at the meeting schedule and did not see any conflicts with the
90 proposed dates. The Commissioners agreed that they did not see any conflicts either.
91

92 **MOTION:** Commissioner Wager made a motion to approve the 2021 Planning Commission Meeting
93 Schedule. Commissioner Kerr seconded the motion.
94

95 **Roll Call Vote:**

96 Commissioner Kerr Yes
97 Commissioner Jones Yes

Commissioner Peterson Yes
Commissioner Drago Yes

Commissioner Wager Yes

Motion Approved: 5 Yes 0 No

3. Discussion Items

A. Code Amendments & Projects

The Commission went back to discuss Ordinance 20-V under the Action Items.

Mr. Barnhill discussed the sign ordinance that had been sent to the Commissioners as a rough draft. He went through the ordinance with them and discussed in detail the language and clarifications that had been added.

The Commissioners discussed the fees per day for violations. Chris Crockett, City Attorney, stated that the fees per day for violations are rarely used but are allowed.

Chairman Drago asked if there needed to be anything added preventing unregulated signs in a site triangle area. Mr. Barnhill agreed that there may be a need to add something regarding that. Chairman Drago also asked if there was an area discussing signs for home businesses. Mr. Barnhill explained that it was in a different section of the code and what the requirements are for that. Chairman Drago asked if there should be a regulation added under sign maintenance, stating that if a business closes, they be required to remove their sign at that time. Chris Crockett said that there would be other ordinances that could be used in those circumstances, for example a junk ordinance, which would be able to address that issue.

4. Approval of the Minutes

A. November 5, 2020 Regular Meeting Minutes

Chairman Drago said she had reviewed the minutes and the changes she suggested had already been made.

MOTION: Commissioner Kerr made a motion to approve the November 5, 2020 meeting minutes. Commissioner Jones seconded the motion.

Roll Call Vote:

Commissioner Kerr Yes

Commissioner Peterson Yes

Commissioner Jones Yes

Commissioner Drago Yes

Commissioner Wager Abstained

Motion Approved: 4 Yes 1 Abstained

5. Discussion

A. Future Projects

Robert Barnhill said that there will be a code amendment request regarding parking requirements specifically regarding multi-family dwelling. He explained that with the apartments that are looking at coming to Pointe Perry, this will need to be addressed. He said that there are also some townhomes across from Maddox that are pending and a subdivision amendment for an applicant wanting to purchase the property behind them. He also said that he is hoping to find time to work on the land use chart.

145
146 **B. Report on Past-Approved Planning Commission Agenda Items.**

147 Commissioner Peterson said that the Hansen zone change is going to City Council on December
148 10th as well as recommendation to amend the multi-family dwelling and apartment density map.
149

150 **C. Report from Commissioner regarding last Council Meeting.**

151 Commissioner Peterson said that there wasn't any information for Land Use. She added that the
152 Holiday dinner had been cancelled.
153

154 **D. Make Assignments for Representative to Attend City Council Meeting.**
155 **(December 10, 2020 this will be an electronic meeting)**

156 Jan Kerr said that she could attend the December 10th meeting.
157

158 **6. Training**

159 **A. Staff**

160 Chris Crockett gave a training on a statute of how quickly a Land Use authority has to review an
161 application to determine whether it is complete and brought to the Planning Commission to be
162 approved or denied. He explained the statute in detail and the time frames allowed. He said he
163 does not have any concerns with this new statute because the Planning Commission is usually
164 quick and that any delays are usually from waiting on the applicant for things.
165

166 **7. Review Next Agenda and Adjourn**

167 **A. Items for January Agenda (next meeting January 7, 2021)**

- 168 • Neff Townhomes across the highway from Maddox
- 169 • Subdivision Amendment for lot line adjustment for Rick Fairborn
- 170 • Ordinance regarding parking regulations
- 171 • Cherry Ridge Plat Amendment
172

173 **B. Motion to Adjourn**

174
175 **Motion:** Commissioner Wager moved to adjourn the meeting. Commissioner Kerr seconded the motion.
176 The meeting ended at 8:17 p.m.
177