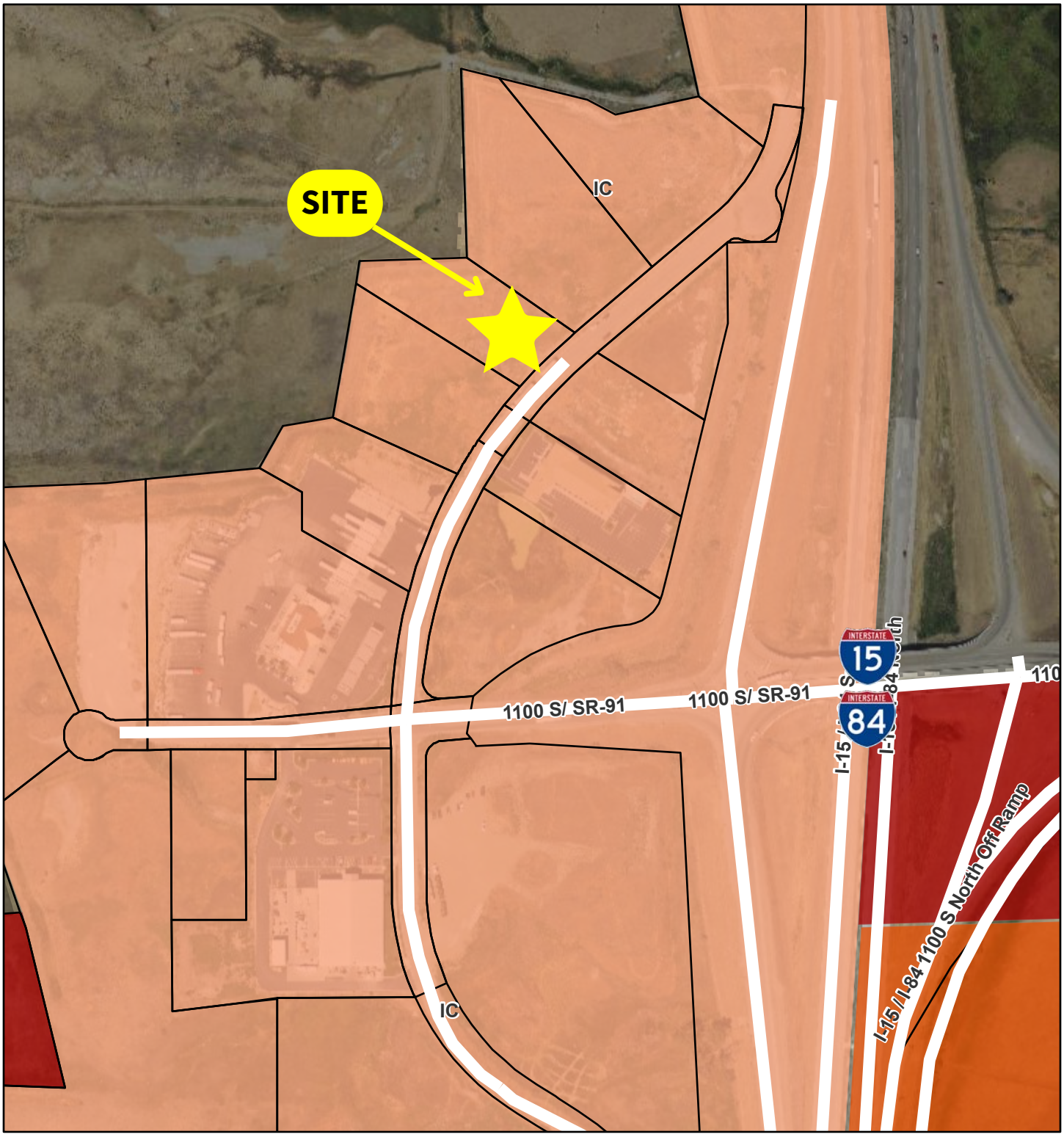
Perry City Zoning



11/28/2023, 1:08:08 PM

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0 0.03 0.06 0.11 mi

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Roads

Parcels (May 2023)

Zoning (2021)

C

C1

IC

City Boundary

Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

Web AppBuilder for ArcGIS

Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community | © 2020 HxGN Content Program, Hexagon 2021 |

15.07.010 Zoning Districts

15.07.010.1 List Of Zones

The territory of the City of Perry is divided into the following zoning districts or potential districts. For the Land Use Chart, which shows the restrictions and limitations within these districts or potential districts(excepting the Civic and Recreation Zones), refer to PMC 15.07.100. Please see PMC 15.07.020.4 for regulations pertaining to the Civic (CVC) and Recreation (REC) Zones, respectively.

AE	AGGREGATE EXTRACTION	NC2	NEIGHBORHOOD COMMERCIAL
A	AGRICULTURAL	NC3	NEIGHBORHOOD COMMERCIAL
AL	AGRICULTURAL LIMITED	MU-C	MIXED-USE COMMERCIAL
R1A	RURAL RESIDENTIAL	MU-O	MIXED-USE OFFICE
RE	1/2 RURAL RESIDENTIAL	MU-R	MIXED-USE RESIDENTIAL
R1/2	LOW DENSITY RESIDENTIAL	MI	MANUFACTURING/INDUSTRIAL
R1/3	LOW DENSITY RESIDENTIAL	MIL	MANUFACTURING/INDUSTRIAL LIMITED
R2	MEDIUM DENSITY RESIDENTIAL	ES	ENVIRONMENTALLY SENSITIVE
C	COMMERCIAL	CVC	SECNSITIVE CVC RECREATION
C1	COMMERCIAL	DO	DEVELOPMENT OVERLAY
IC	INTERSTATE COMMERCIAL		

HISTORY

Adopted by Ord. 15-C on 3/17/2015

Amended by Ord. 17-K on 12/14/2017

Amended by Ord. Ordinance 21-S on 1/13/2022

15.07.020.11 Interstate Commercial (IC)

The purpose of the Interstate Commercial Zone is to provide space for development of business which focuses on retail and wholesale sales along with professional offices. The zone is considered prime business district and does not allow residential development or heavy commercial development such as processing plants, etc. Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.

HISTORY

Adopted by Ord. 15-C on 3/17/2015

Amended by Ord. 17-B Amending the Interstate Commercial Zone on 2/23/2017

15.06.010 Land Use Chart

The letter 'P' shown in individual cells within the Land Use Chart denotes Permitted Uses within the specified zoning districts. Open or blank cells indicate uses that are not permitted within the respective zoning district. Uses not listed are not permitted. Please see PMC 15.07.020.4 for uses and regulations pertaining to the Civic (CVC) and Recreation (REC) zones.

Uses not shown in the table, but ruled by the Land Use Authority to be similar to uses in the Land Use Chart may be approved in the same manner and in the same zones as the similar use is permitted.

USE	A	AL	R1A	RE1/2	R1/2	R1/3	R1	R2	ES	C	C1	IC	NC2	NC3	MIL	MI	AE
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Aggregate Extraction[11]																	P
Agriculture[1]	P	P	P	P										P			
Amusement Center[2]										P	P	P	P		P	P	
Apiaries	P																
Art Gallery with Production										P	P	P	P				
Asphalt Plant																	
Assisted Living Facility/Rest Home/Sanitarium										P	P	P	P				
Auction Establishment															P	P	
Bank/Financial Institution										P	P	P	P				
Bar/Tavern																	
Cabinet Shop (Manufacturing with Retail and Showroom)												P			P	P	
Campground																	
Cannabis Production Establishment[12]																P	
Cemetery/Mausoleum																	
Check Cashing Service/Car Title Loans/Payday Loans																	
Concrete Batch Plant																	
Contractor's Yard (With Outdoor Storage of Equipment and/or Vehicles)															P	P	

USE	A	AL	R1A	RE1/2	R1/2	R1/3	R1	R2	ES	C	C1	IC	NC2	NC3	MIL	MI	AE
Convent, Monastery or Other Group Dwelling for Religious Communities																	
Crematory															P	P	
Dairy/Feed Lot																	
Day Care Center (Not Home Based)										P	P		P				
Drive-in Movie Theater																	
Educational Facility										P	P		P				
Fertilizer or Soil Conditioner Manufacturing																	
Firearms Retail and/or Sales										P	P	P	P		P	P	
Gas Station										P	P	P	P		P	P	
Golf Course																	
Government Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hog Farms																	
Home Occupation[13]	P	P	P	P	P	P	P	P	P	P	P		P				
Hospital										P	P	P	P				
Hotel/Motel										P	P	P	P				
Indoor Shooting Range										P	P	P			P	P	
Indoor Sports/Dance Facility										P	P	P	P		P	P	
Kennel (Dog/Cat) - Commercial[14]										P	P				P	P	
Kennel (Dog/Cat) - Private[14]																	
Liquor Store																	
Machine Shop															P	P	
Manufactured Home (Mobile/Trailer Home) Park																	
Manufacturing, Heavy[4]																P	
Manufacturing, Light[3]															P	P	
Meat Processing																P	
Medical Cannabis Pharmacy[12]															P		

USE	A	AL	R1A	RE1/2	R1/2	R1/3	R1	R2	ES	C	C1	IC	NC2	NC3	MIL	MI	AE
Medical Clinic[5]										P	P	P	P				
Mortuary										P	P		P				
Museum										P	P		P				
Night Club																	
Nursery (Plants for Retail Sale)	P	P								P	P	P	P		P	P	
Outdoor Storage (Commercial)															P	P	
Parcel Delivery Service															P	P	
Pawn Shop																	
Performing Arts Center										P	P	P	P				
Personal Services[6]										P	P	P	P				
Pest Control with Storage of Chemicals															P	P	
Place of Worship	P	P	P	P	P	P	P	P		P	P	P	P				
Professional Office[7]										P	P	P	P		P	P	
Produce Stand[15]													P	P			
Reception Center										P	P	P	P				
Reception Center/Gym										P	P	P	P				
Research and Development Facilities										P	P	P	P		P	P	
Residential: Accessory Dwelling Units[16]	P	P	P	P	P	P	P	P		P	P		P				
Residential: Apartments[17]																	
Residential: Multi-family Dwelling Units[17]			P	P	P	P	P	P					P				
Residential: Single-family	P	P	P	P	P	P	P	P	P								
Retail[8]										P	P	P	P		P	P	
Riding Academy	P																
Rock, Gravel, Soil, and Similar Landscape Products for Retail Sale															P	P	
Sexually Oriented Business																P	
Social Clubs/Lodges										P	P						

USE	A	AL	R1A	RE1/2	R1/2	R1/3	R1	R2	ES	C	C1	IC	NC2	NC3	MIL	MI	AE
Soil Composting, Manufacturing and Sales															P	P	
Storage of Commercial Vehicles and Trailers																P	
Storage of Recreational Vehicles															P	P	
Storage Units															P	P	
Tattoo Parlor															P	P	
Taxidermist										P	P				P	P	
Theater (Film or Stage)										P	P	P	P				
Tobacco/Vape Shop																	
Towers/Wind Turbines/Other Similar Structures[18]	P	P							P	P	P	P	P		P	P	P
Travel Trailer (RV) Court																	
Truck Stop															P	P	
Urban Livestock[19]					P	P	P	P	P	P	P		P				
Utility Substations (Unmanned)[9]	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Vehicle Impound Lot																	
Vehicle Rental/Moving Truck Rental															P	P	
Vehicle Repair - Auto Body															P	P	
Vehicle Repair - Mechanical															P	P	
Vehicle Sales[10]										P	P	P	P				
Vehicle Sales with Vehicle Repair - Mechanical										P	P	P					
Vehicle Service Station - Oil, Lube, Tires, Brakes										P	P	P			P	P	
Vehicle Wash										P	P	P	P		P	P	
Veterinary Clinic/Animal Hospital										P	P	P	P		P	P	
Warehousing/Large Scale Distribution															P	P	
Wrecking/Salvage Yard																	

Notes:

The following uses from the use table include, but are not limited to, the additional specific uses indicated below:

1. **Agriculture:** Nursery (Wholesale/Grower), Grazing, Row Crops, Orchards, Livestock (cows, horses, sheep, goats, poultry, etc.), Agricultural Structures including barns, corrals, coops, feed storage
2. **Amusement Center:** Ice rink, Skating Rink, Arcade, Bowling, Miniature Golf
3. **Manufacturing, Light:** Fabrication Processes, Milk Processing Plant, Milling and Machinery Facilities, Planing Mill, Printing and/or Bookbinding, Welding Shop, Carpenter Shop/Cabinetry, Food Product Manufacturing/Wholesale, Packaging, Bottling, Warehousing/Distribution, Data Processing, Appliance Repair, Frozen Food Lockers, Furniture Repair/Upholstery Shop, Textiles, Stone Cutting/Carving, Ornamental Iron Manufacture/Repair, Sign Manufacture, Small Engine Repair/Fix-it Shop, Upholstery Shop
4. **Manufacturing, Heavy:** Manufacturing or Storage of Explosives/Chemicals, Ore Smelting/Refining
5. **Medical Clinic:** Doctor's Office, Outpatient Procedure Facility
6. **Personal Services:** Massage, Holistic Medicine, Hair and Nail Services, Chiropractor, Spa, Pet Grooming
7. **Professional Office:** Dental Office, Employment Agency, Insurance Agency, Design Professional, Legal Office, Photo Studio, Real Estate Agency, Accountant Office
8. **Retail:** Convenience Store, Restaurant with or without alcohol, Hardware Store, Pharmacy, Department Store, Florist Shop, Catering Establishment, Office Supply, Dry cleaning, Laundromat
9. **Utility Substation:** Power Substation, Data Equipment, Regulator Station
10. **Vehicle Sales:** Boat Sales, Motorcycle Sales, ATV Sales, Trailer Sales, Farm Implement Sales

The following regulations shall apply to the uses listed on the table above:

11. **Aggregate Extraction:** See 15.31 Excavation And Reclamation of PMC.
12. **Cannabis:**
    a. 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:
        i. "Cannabis Production Establishment" means an establishment defined in Utah Code §4-41a-102, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
        ii. "Medical Cannabis Pharmacy" means an entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in an medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under Utah Code §26-61a-102.
        iii. "Primarily Residential Zone" means, for the purposes of this section, and any applicable state law the following zoning districts: AL, R1A, RE1/2 R1/2, R1/3, R1, R2, ES, MU-R, NC2, NC3.
    b. Standards.
        iv. Cannabis Production Establishment. The following standards apply:
            (1) No emission of dust, fumes, vapors, odors, or waste into the environment from any facility involving the growing, processing, or testing of cannabis.

(2) Each Cannabis Production Establishments shall:

(A) Not be located in a Primarily Residential Zone.

(B) Meet the municipal code regulations, site development standards, and sign requirements for any main building and accessory building.

(C) Obtain and comply with all state requirements set forth in accordance with Utah Code §4-41a-101, et. seq.

(D) Comply with location requirements set forth in Utah Code §4-41a-201.

(E) Obtain and comply with business license regulations.

v. Medical Cannabis Pharmacy. The following standards apply:

(3) Not be located in or within 600 feet of a Primarily Residential Zone.

(4) No cannabis products shall be visible from outside of any structure.

(5) Meet the municipal code regulations, site development standards, and sign requirements for commercial development.

(6) Obtain and comply with all state requirements in accordance with Utah Code §26-61a-101, et. seq.

(7) Comply with location requirements set forth in Utah Code §26-61a-301.

(8) Obtain and comply with business license regulations.

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

c. Firearms sales, repair, and assembly;

d. Barber shop, beauty salon, hair salon;

e. Home Daycare;

f. Home Preschool;

g. Educational Facility;

h. Artists;

i. Authors;

j. Professional office services (excluding medical, dental, and other health professional offices) including, but not limited to:

vi. Advertising;

vii. Architectural or engineering services;

viii. Consulting services;

ix. Data processing, computer programming and service;

x. Desktop publishing;

xi. Insurance sales or broker;

xii. Interior design;

xiii. Real estate sales, broker, or appraiser; and

xiv. Contractor or handyman office.

k. Culinary or home craft, or garden product sales;

l. Sales representative;

m. 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.

n. Any use or business not listed in this Subsection regarding Home Occupations is prohibited.

14. **Kennel:** See Chapter 9.05 Licensing And Regulatory Permits of PMC.

15. **Produce Stand:**

o. Does not apply to strictly agricultural activities (sale of a farmers own produce on the farmers own land).

p. Shall obtain approval of a Site Plan application and obtain a Business License.

q. One Produce Stand per parcel or lot is permitted.

r. All structures and storage areas shall meet the same setbacks as the Primary Building, Driveway locations and construction shall be approved by the appropriate jurisdiction. Access controls and driveway approaches may be required to insure safety.

s. Tents, canvas or plastic covers, and other similar structures may be used for Produce Stands if they are not located on the property for more than one hundred eighty (180) days per year. The type and construction of all structures associated with the Produce Stand shall be approved by the appropriate Land Use Authority or official.

t. Produce Stands not used for a period of two (2) consecutive years shall be removed from the property at the owner's expense or used in accordance with the regulations of the applicable zoning district.

u. The property shall be kept clear of pallets, boxes, and other like materials.

v. Up to ten percent (10%) of the display area may be used for the sale of items such as snack foods, craft items, pre-packaged foods such as dried fruit, nuts, fruit preserves, baked goods, and promotional non-food items related to the agricultural industry. All processed foods are subject to applicable food laws and must be obtained from approved sources.

16. **Residential: Accessory Dwelling Unit:**

w. Purpose. The City recognizes that accessory dwelling units (ADUs) in zones that allow a single-family residence can be an important tool in the overall housing plan for the City. The purpose of the ADU standards of this code are to:

xv. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable.

xvi. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

xvii. Provide affordable housing opportunities.

xviii. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

xix. Support more efficient use of existing housing stock and infrastructure.

x. Definitions: An ADU is a self-contained, smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

xx. Garden Cottages are detached structures (i.e. converted detached garages or new construction).

xxi. Accessory Apartments are attached to or part of the primary dwelling (i.e. converted living space, attached garages, basement or attics, additions, or a combination thereof).

y. General Regulations And Development Standards: The following regulations must be met in order to have an ADU (either a Garden Cottage or Accessory Apartment):

xxii. Primary Residence Required: The property owner, which shall include titleholders and contract purchasers, shall keep the property as their primary residence for habitation and on the tax rolls. Application for an ADU shall include evidence of such through an affidavit.

xxiii. Number Permitted: One one (1) ADU shall be created within a single family dwelling or lot. Said area shall clearly be a subordinate part of the dwelling or lot.

xxiv. Parking: At least one (1) off-street parking space shall be provided for the ADU.

xxv. Appearance: The Accessory Apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family dwelling.

xxvi. Utility Meters and Addressing: It shall be prohibited to install separate utility meters. The primary dwelling and ADU shall have the same address number, but shall refer to the ADU as unit B.

xxvii. Building Code Compliance Required: All ADUs hereafter created in Perry City shall comply with the current standards of the City's adopted Fire, Building, and Health Codes.

xxviii. Size: The total area of a Garden Cottage shall be no more than 40% of the square footage of the primary dwelling.

xxix. Height: All ADUs shall be limited to a single story (above a garage, basement, or attic).

xxx. Setbacks: Garden Cottages shall have the same setback requirements as accessory buildings.

xxxi. Entrances: All ADUs shall have a separate, accessible entrance or stairway. All entrances for an Accessory Apartment shall be located on the side or in the rear of the dwelling.

xxxii. Transferability: Upon sale of the home and ADU, the approval for an ADU shall expire; that is, the approval is not transferable. The new owner will need to gain approval of a new permit and provide a new affidavit.

xxxiii. Density: ADUs are exempt from the residential density standards of this Code.

xxxiv. Home Occupation: Home Occupation businesses which may be approved in an ADU shall be restricted to a home office use which creates no customer traffic and no storage of product on the property where the ADU is located. No Home Occupation shall be established within an ADU without the express written permission of the property owner.

xxxv. ADUs may be rented but shall not be rented on a transient basis (period less than 30 days).

xxxvi. The primary dwelling and ADU must be on the same parcel or lot, shall not be subdivided, and shall not be sold separately.

xxxvii. Mobile homes, manufactured homes, RV's, trailers, campers, tents and/or any other temporary structure and/or vehicle shall not qualify as an ADU.

xxxviii. Impact Fee: The impact fee for Garden Cottages shall be 20% the cost of the adopted fee for a single family home. Accessory Apartments shall not be charged an impact fee.

z. Permitted Use Review: An ADU meeting the general regulations and development standards, as specified in this section, may be allowed in any zone that allows a single-family residence and on any parcel or lot where a single family residence has been legally established an is now a non-conforming use in the zone. Review and approval of ADUs shall be performed by the Community Development Director or designee.

aa. Affidavit: Applicants for ADUs shall provide an affidavit stating that the owner of the property will maintain the property as their primary dwelling as outlined in this section and comply with all other requirements of this title. Upon approval of the ADU, the affidavit shall be recorded in the Box Elder County Recorder's Office against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. Upon sale of the property, the new owner shall be required to obtain approval of a new permit and record a new affidavit to reauthorize the ADU.

17. **Residential: Multi-family Dwellings:** Multi-family Dwellings may be developed according to the allotments indicated in the Multi-family Dwelling and Apartment Density Map, which can be found at the following link (Map). Existing and proposed dwelling units are counted towards the limits shown on the Multi-family Dwelling and Apartment Density Map. When the allotted number of units in the area has been reached no more units will be permitted in the area. The overall density of Multi-family Dwellings shall not exceed sixteen (16) units per acre. This ratio shall be calculated according to the acreage of the Multi-family Dwelling development area excluding any area of the development utilized for single family development, commercial development, open space, public streets, or other improvements.

ab. For the purposes of this subsection, Multi-family Dwelling and apartment units shall not include Accessory Dwelling Units.

ac. Multi-family Dwelling and Apartment units shall not be permitted when they are prohibited or otherwise restricted by private Conditions, Covenants, and Restrictions.

18. **Towers:** See Chapter 15.34 Regulations For Large Scale Utility Lines, Wireless Telecommunications Towers, Microwave Towers, and Miscellaneous Infrastructure of PMC.

19. **Urban Livestock:**

ad. Regulations. Urban livestock may be kept on single-family residential lots.

xxxix. Allowance. Where permitted, the type and quantity of domestic farm animals allowed on a property shall be determined by the allotted animal points specified based on the acreage of the property, as show in tables (a) and (b) of this section. The applicant shall not exceed the number of animal points allowed per lot size. One (1) hive of bees with no more than one (1) swarm per hive is allowed. Other similar animals may be allowed within these limits as approved by the Community Development Director.

Type of Animal	Number of Animal Points
Chickens, rabbits, pheasants, ducks, pigeons	3 points each
Turkeys, gese	10 points each
Goats	50 points each
Roosters, donkeys, pigs, cows, horses, ostriches, sheep, llamas	Not allowed
Any non-domesticated animal, including exotic pets	Not allowed
Nuisance animals (i.e. raccoons, skunks, etc.)	Not allowed

ii.

Lot Size (in Square Feet)	Number of Animal Points Allowed
8,000 to 14,520	18 points
14,521 to 21,780	45 points
In excess of 21,780	45 points, plus 1 point for every 500 square feet of lot size beyond 21,780, up to a maximum of 90 points

b. Additional requirements.

i. Goats must be miniature, dwarf, or pygmy. Goats must also be dehorned and male goats must be neutered.

ii. All beehives must be set back a minimum of ten (10) feet from any property line and twenty five (25) feet from a primary dwelling on an adjacent property.

iii. Should a beehive become populated with Africanized honeybees, it must either be immediately destroyed or "re-queened" using industry accepted procedures resulting in a swarm that is not Africanized.

iv. Except for bees, all urban livestock shall be kept in a fashion so as to be contained and to prevent them from exiting the property at any time.

v. Urban livestock must be cared for in a humane manner with adequate feed, water, and shelter at all times. Coops and pens must be kept clean and well-maintained.

vi. Coops and pens shall:

(1) be located in the backyard of the property;

(2) be treated as an accessory building pursuant to PMC 5.07.110;

(3) be subject to easement restrictions.

vii. Urban livestock must be kept in a manner that will not disturb the use and enjoyment of neighboring properties due to noise, odor, or other adverse impacts.

viii. Storage of excess feed shall be kept in a manner so that it is not available to other pets, wild birds, rodents, or potential predators. Feed must be kept in a rodent and predator proof container.

ix. Litter and droppings must be disposed of, composted, or used as fertilized in an environmentally responsible manner. Dead animals, remains, and discarded or rotting eggs shall be removed as soon as possible, but no longer than twenty-four (24) hours, and shall be disposed of properly. Byproducts must not produce odors or unclean conditions.

x. Slaughtering of urban livestock is strictly prohibited.

xi. Urban livestock shall not be permitted where they are prohibited or otherwise restricted by private Conditions, Covenants, and Restrictions.

a. Additional requirements for chickens and/or fowl.

xii. Chickens and/or fowl must be kept securely in a coop overnight. The coop must be enclosed, well-constructed, weather resistant, well-ventilated, predator resistant, and provide a minimum of two (2) square feet of area per chicken and/or fowl. If the chickens and/or fowl are kept in the coop at all times, then the coop must have at least six (6) square feet per chicken and/or fowl. Portable coops (chicken tractors) are allowed, but must meet the requirements of stationary coops outlined above.

xiii. If chickens and/or fowl are allowed to roam, in addition to coops, and adjoining fenced outdoor area, sufficient to contain chickens on the owner's property, shall be provided allowing a minimum of three (3) square feet per chicken and/or fowl. A securely fenced rear yard is acceptable for the run. Chickens and/or fowl must be kept in a manner that they are not allowed to roam to neighboring properties or public rights-of-ways.

b. Violation And Enforcement. Any violation of the provisions of this section, either by failing to do those acts required herein or by doing any act prohibited herein, shall be considered a Class C Misdemeanor unless otherwise specifically stated in this section; and/or shall be a civil violation punishable by fine in the amount of up to $50.00 per day the violation continues after being notified of the violation as follows:

xiv. Upon report or complaint of violation, the City shall cause a letter or an enforcement officer be sent to notify the owner and the owner must come into compliance immediately.

xv. If the violation continues the City and the City's enforcement officers and personnel may enter the premises to remove and dispose of the urban livestock.

xvi. All costs by the City to bring the violation into compliance, including the notice of violation and the removal and disposal of the urban livestock, shall be payable by the land owner.

HISTORY

Adopted by Ord. 19-L on 1/9/2020

Adopted by Ord. 20-L Accessory Dwelling Units on 7/23/2020

Adopted by Ord. 20-Q Urban Livestock on 8/27/2020

Amended by Ord. 22-C Accessory Dwelling Unit Amendments on 4/28/2022

Adopted by Ord. 22-F on 10/13/2022