

CITY OF LOGAN, UTAH
ORDINANCE NO. 15-06

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.62: "Definitions" is hereby amended as attached hereto as Exhibit A, respectively:

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2015.

AYES:
NAYS:
ABSENT:

Jeannie Simmonds, Chair

ATTEST:

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ____ day of _____, 2015.

Jeannie Simmonds, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2015.

Craig Petersen, Mayor



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: January 27, 2015
FROM: Mike DeSimone, Director
SUBJECT: LDC Text Amendment – Definitions

Summary of Planning Commission Proceedings

Project Name: Definitions
Request: Code Amendment
Project Address: City-wide
Recommendation of the Planning Commission: Approval with modification

On January 22, 2015, the Planning Commission recommended that the Municipal Council **approve** a request to amend the Land Development Code Chapter 17.62 (Definitions) by eliminating the Board of Adjustment and Board of Appeals, and including the Land Use Appeal Board and new graphics for site distance triangles.

Planning Commissioners vote (5 - 0):

Motion to recommend approval: S. Sinclair

Second: M. Romero

Yea: R. Price, S. Sinclair, M. Romero, T. Jensen, A. Davis Nay: none

Attachments:

Staff Report

Ordinance 15-006

PC Meeting Minutes



**Project #15-006
Definitions
Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Definitions
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	January 22, 2015
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.62 (Definitions).

REQUEST

This proposed amendments to Sections 17.62 (Definitions) of the Land Development Code include the following:

Replace the Board of Adjustment & Board of Appeals with the single Land Use Appeal Board.

Add Land Use Authority.

Replace the existing site distance triangle definition with two new graphics clarifying a site distance triangle around an intersection and a site distance triangle around a driveway entrance.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments to the Definitions help clarify the overall code and simplify its administration and implementation. The proposed amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on January 8, 2015, posted on the City's website and the Utah Public Meeting website on December 10, 2014, and noticed in a quarter page ad on January 4, 2015.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments clarify the definitions found with the Land Development Code which help simplify the administration and implementation of the Code.
4. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

EXHIBIT A

Chapter 17.62: Definitions

The definitions of words in this chapter are established as specific meanings for this Title only. Words with specific meaning in the Land Development Code are as follows:

“Accessory Structure” means a structure that is subordinate to and serves a primary use or structure; is subordinate to the primary use or structure served; contributes to the comfort, convenience or necessity of occupants of the primary use or structure served; and is located on the same lot and in the same zoning district as the primary use.

“Accessory Use” means a use or activity that is a subordinate part of a primary use and clearly incidental to a primary use.

“Accommodations (Lodging)” means facilities offering transient lodging accommodations to the general public and which may include additional facilities, such as restaurants, meeting rooms, entertainment, personal services, and recreation facilities

“Adult-Oriented Business” See Section 5.29 of the Logan Municipal Code for definition.

“Aerobic Studio” means a business to which a class of participants attends on a periodic or regular basis for purposes of exercise, weight training, fitness training, and participation in related activities. An aerobic studio may also include the retail sales of products related to its services.

“Affordable Housing” means safe and decent housing with a sales price or rent that is within income limitations for households defined as low and moderate income by current Federal or State definitions.

“Agriculture” means the production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to society, including and not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

“Airport” means the Logan-Cache County Airport.

“Airport Board of Adjustment” means the City of Logan ~~Board of Adjustment~~ Land Use Appeal Board performing the duties prescribed in Utah Code §2-4-5.

“Airport Hazard” means any structure or use of land which actually or potentially obstructs the airspace required for safe flight of air craft in landing or taking off at an airport.

“Airport Hazard Area” means any area of land upon which an airport hazard might be established.

“Airport Zoning Commission” means the City of Logan Planning Commission serving in the roles prescribed in Utah Code §2-4-5.

“Alternative or Post Incarceration Facility” means halfway houses, work release centers or any other domiciliary facilities for persons released from any penal or correctional facility but still in the custody of

“Bakery” means an establishment where products such as bread, cake, and pastries are baked or sold.

“Barber or Beauty Shop” means an establishment providing cosmetic treatment services for men and women. Other variations of this type of business include hair salons and spas.

“Basement” means a portion of a building partly below ground and not having more than half of its height above the level of the adjoining ground.

“Bed and Breakfast” or Bed and Breakfast Inn” means overnight accommodations of ten or fewer rooms that may also serve one or more meals limited to registered guests.

“Berm” means a linear earthen mound.

“Block” means a unit of land bounded by streets or a combination of streets, public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

“Block Frontage” means all of the property fronting on a street that is between intersecting streets, or that is between a street and a water feature, or end of a dead end street.

~~**“Board of Appeals”** means the five person Board established in Logan Municipal Code Chapter 2.58.~~

~~**“Board of Adjustment”** means the five person Board established in Logan Municipal Code Chapter 2.54.~~

“Boarding House, Lodging House” means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided. A lodging house is a boarding house in which meals are not provided. The length of stay in a boarding house or lodging house is 30 or more days.

“Boundary Line Adjustment” or “Lot line adjustment” means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record.

“Brew Restaurant” means a business licensed to sell beer for on-premises consumption in connection with a bona fide restaurant where the revenue from the sale of beer is less than 50 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of DABC.

“Buildable Area” means that portion of an existing or proposed lot that is free of building restrictions. For the purpose of this ordinance, a buildable area does not contain any setback areas, easements, and similar building restrictions, and cannot contain any land specified in §17.31.010.

“Building Footprint” or “Building Coverage” means the portion of a site covered by buildings or other roofed structures, including eaves. “Building Coverage” also means “building footprint.”

“Building” means a structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

“Building Line” means a line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site.

“**Infill Lot**” means an undeveloped parcel located within an area where most of the surrounding parcels are already development.

“**Inner Block Development**” means development located in the interior portion of a block.

“**Irrigation**” means a system of to convey water to all landscaped or agricultural areas.

“**Institutions of Higher Learning**” means those facilities providing a level of education at the collegiate-level such as academies, universities, colleges, seminaries, institutes of technology, vocational schools, career colleges, and certain other collegiate-level institutes.

“**Kennel**” means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

“**Land Area**” means the total area of a lot lying within the lot lines and not including any portion of a street or right-of-way.

- A. “**Land Area, Gross**” means the size of a lot or parcel of land prior to subdivision or dedication of road rights-of-way, or other rights-of-way.
- B. “**Land Area, Net**” means that land available for development after the area allocated for roads or rights-of-way is deducted from the gross land area.

“**Land, Critical**” means any land that is mapped and recognized, by the City, to have physical, environmental, or aesthetic characteristics that provide a public benefit or health or safety hazard that overrides the right to develop that portion of property.

“**Lands Set Aside**” means an area of land, exclusive of critical land, that is intended for the use and enjoyment of the occupants of the property or if publicly owned, for the enjoyment and use by the citizens of Logan. Set Asides are required as condition of approval on development specified herein and are intended to further the health, safety, welfare of the citizens of Logan, its visitors, and workers.

“**Land Use Appeal Board**” shall mean a three (3) person board appointed by the Mayor, with advice and consent of the City Council, to decide an appeal or request of a land use decision by a Land Use Authority including a request for a variance under Title 10, Chapter 9a, Part 7 of the Utah Code.

“**Land Use Authority**” shall mean the Planning Commission, the Historic Preservation Committee, the Community Development Director, or a staff member of the Community Development Department, when making any order, requirement, decision or determination in the enforcement of the Logan Land Development Code, the Logan Municipal Code, or any other land use related local or state regulation.

“**Landscape Strip**” means the area between the property side of the curb and the property line that is within the public street or right-of-way upon which landscaping, including groundcover and trees, is planted.

“**Landscaping**” are those areas that contain a combination of materials including, but not limited to, grass, groundcover, shrubs, vines, hedges, plants, or trees. Landscaping generally excludes sand, gravel, paved areas or other hardscapes unless approved as a component of a landscaping plan by Logan City.

“**Laundromat**” means an establishment providing washing, drying, or dry-cleaning machines on the premises for a charged use to the general public.

- B. **“Front Setback”** means the distance from the front property line to the closest point a structure can be constructed to the front property line.
- C. **“Side Setback (Interior)”** means the distance from the interior side property lines to the closest distance a structure may be located from the property line.
- D. **“Rear Setback”** the distance from the rear property to the closest distance a structure may be located from the property line.

“Shade tree” means a hardwood tree that reaches a mature height of at least 15 feet at maturity, provides relief from direct sunlight and is included in the permitted species list.

“Shed” means a permanent or temporary structure that is less than one hundred and twenty square feet in gross floor area, has no electricity or plumbing, and does not require a building permit. Any structure with electricity or plumbing requires a building permit and is defined as a structure. Any shed over 120 square feet is also defined as a structure.

“Shelter” means a building serving as a residence for designated persons or special classes of persons such as an homeless shelter or a transitional shelter, or a building serving as a temporary refuge such as an emergency shelter.

“Shrub” means a bushy, woody plant usually with several permanent stems, and usually not over ten (10) feet high at maturity and not less than eighteen (18) inches upon installation.

“Sight Distance Triangle” means the distance along public or private right-of-way as measured from the intersection of the curb (or where a curb would be located if there were a curb) to a distance along each street forty feet from the intersection as shown in Figure 17.62.D.1. A “Sight Distance Triangle” is also established for driveways and means the distance along a street and a driveway entrance as measured from the curb cut to a distance along both the street and the driveway for thirty feet as shown in Figure 17.62.D.2.

Figure 17.62.D: Sight Distance Triangle



