



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 2, 2021
FROM: Mike DeSimone, Director
SUBJECT: Grandfathering - Ordinance #21-22 (LDC Amendments – Urban Agriculture)

This is a follow-up to the October 19, 2021 Council discussion regarding the proposed Ordinance #21-22 (Urban Agriculture).

Background

Ordinance 21-22 is a proposed amendment to the Land Development Code (LDC) redefining the City's definition of "Agriculture", defining minimum standards for keeping chickens, domestic fowl, bees, and livestock on residential properties, and establishing in the Land Use Tables where the different categories of agriculture are permitted. As we have discussed, there is a disconnect between the Logan Municipal Code (6A.06.030) and the Land Development Code regarding how and where agricultural uses (Animals for Family Food Production) are permitted. Urban Agriculture is the proposed mechanism to address minimum standards for raising Animals for Family Food Production in residential areas.

Public Notice & Public Review Process

These proposed code amendments were discussed by the Planning Commission on September 9th and September 23rd. In terms of public notification, we sent out the PC agenda and packets to the neighborhood council chairs on 9/3/21 for the 9/9/21 PC hearing and again on 9/16/21 for the 9/23/21 PC hearing. Legal notices were published in the Herald Journal on 8/28/21, posted on the City's website and the Utah Public Meeting website on 8/30/21, and noticed in a quarter page ad (Herald Journal) on 8/21/21. This topic was also reported on by KSL in September.

Following the first Planning Commission hearing, I reached out to a number of local beekeepers and other communities for assistance with the beekeeping standards. Input received was included in a revised draft. I also included suggestions made during the original PC hearing and public comment period into the revised draft that was eventually passed by the PC on 9/23/21.

Council Direction

The direction from Council was to look for the "science" on backyard animals. In reviewing the various Agricultural Extension services for Utah State University, Idaho State U, Colorado State U, University of California at Davis, University of Nevada Reno, Montana State U, Washington State U, and Oregon State U, it is clear there is not really any "science" behind the keeping or raising of backyard animals. Rather, it comes down to the basic premise that if a jurisdiction, as a matter of policy, wants to permit animals in a residential setting, residents should follow Best Management Practices for keeping animals. Best Management Practices center around the appropriate numbers of animals as determined by the jurisdiction, enclosures & square footage per bird, sanitation, nuisance control, feed, water, location, setbacks from adjoining residential dwellings and/or properties, and disease and

Raising Chickens in Urban Environments

EM 9089 • October 2013

James Hermes

Raising small flocks of chickens within city limits is becoming a popular pastime for many families. Urban residents keep chickens in their backyards for many of the same reasons as rural residents. Some urban residents want to produce eggs or meat for their families to save money, live more sustainably, or simply know where their food comes from; others keep “fancy” or ornamental chickens (standard-bred birds of specific breeds or colors or both) to exhibit. Some urban residents have chickens to eat insects in the lawn and garden; others simply appreciate watching the birds in their yard, which can be a relaxing and sometimes comical sight.

Chickens can offer insights into the basic life processes and simple behaviors of another species. They provide companionship and the potential for social interaction with other chicken owners. In recent years, issues regarding sustainability and animal welfare, organic food and local food production, and the carbon footprint of large industry groups have increased people’s interest in raising chickens in urban environments.

Because of their small size, chickens are ideal for urban environments, especially when compared to other livestock species such as sheep, goats, pigs, and cattle. In urban settings, livestock-type animals do not receive the same reception from neighbors and city authorities as domestic pets like dogs and cats. Most cities have restrictions that ban most livestock, but a few chickens in the backyard are usually tolerated as long as policies (such as numbers of chickens, property line setbacks, and the absence of crowing roosters) are followed. However, there are some cities that do not allow any livestock.



Photo by: Lynn Ketchum, © Oregon State University

The city chicken hobbyist must remember that chickens are regulated in urban settings because not everyone enjoys chickens. Therefore, it is important that small flocks of chickens not infringe on neighbors who may be sensitive to or who simply dislike the noise, odor, flies, rodents, and unsightliness that can accompany a small chicken flock. Careful consideration of the animals’ facilities and management can reduce the potential to irritate neighbors. Most cities don’t have “chicken police”; complaining neighbors are the only way that the authorities learn there are chickens in a backyard. With proper facilities and management, in addition to some occasional friendly gestures—such as sharing eggs—you can reduce the potential for complaints, which could result in losing your flock of chickens.

Basic Guidelines

Following these guidelines can help you avoid conflicts with neighbors and help prevent the authorities from developing ordinances that ban chickens within city limits.

Location, health, and safety of your chickens

As the owner of chickens in an urban setting, you must consider carefully:

- Location of animal facilities in relation to residences
- Location of feed storage to avoid rodent problems
- Fly control
- Sanitation management
- Safe disposal of animal waste

You must also take into account the health and well-being of your animals. The chickens must be given adequate space, proper nutrition, sufficient attention, and a place to seclude themselves. An enclosure (coop) is necessary to provide protection from the elements and predators (Figure 1).

- **Site chicken facilities, whether enclosed or outdoor runs, as far from property lines as feasible.** Check local codes to determine whether there are setback requirements. Typical setbacks range from 10 to 25 feet.
- **Provide a minimum of 1 square foot of floor space (for permanent indoor confinement areas) per pound of body weight.** Most hens weigh from 4 to 6 pounds (bantams are smaller), so each hen needs from 4 to 6 square feet of ground space. In addition, when chickens are kept in enclosed spaces, there should be at least 3 cubic feet of air space per pound of body weight to ensure safe air quality and minimize odors. Enclosed facilities require regular air changes; vents or exhaust fans may be required in these facilities. In Oregon, cold temperatures are not usually a problem for chickens. However, heat lamps or other heat sources may be needed if winter temperatures dip into the single digits or below.
- **Allow chickens to roam in the backyard for at least part of the day.** These “free ranging” chickens will eat large amounts of insects, grasses, and seeds. They will also eat ornamental and vegetable plant gardens in their search for insects. Chickens will scratch up the garden and lawn grass. Restrict chickens to their own yard to reduce damage to desirable plants.
- **Provide a prepared diet (not scratch).** Even though chickens enjoy insects and seeds found in the yard, and most kitchen waste, hens also need a prepared diet to thrive and lay eggs. This prepared diet must be formulated to contain all the required nutrients. To discourage rodent populations, store feed in a container and immediately clean up any spills.
- **Clean enclosed animal facilities and any ranging areas on a regular basis.** Dispose of manure and litter promptly and properly. Used litter and manure are especially good for garden composting because of their high nitrogen content.
- **Identify a local veterinarian who is familiar with chickens and their diseases, and keep their contact information available.** Occasionally, chickens will become ill. Most often, sick chickens appear lethargic; they fluff up and sit in a corner with their eyes closed. Most chicken diseases do not affect people, so there is a low probability that sick chickens can transfer their disease organisms to you. Normal personal hygiene, including hand washing after touching chickens, is recommended.



Figure 1. A chicken enclosure (coop) can be a simple construction. Coops should be adequately sized for the flock and kept orderly.

Photo by: Eric Allix Rogers, Creative Commons license



Photo by: Josh Larios, Creative Commons license

Figure 2. A well-maintained chicken facility helps keep chickens healthy and neighbors tolerant of small backyard flocks.

Appearance and property values

The appearance of urban poultry facilities and equipment, including external runs that are visible to neighbors, should not detract from the appearance of the surrounding neighborhood (Figure 2). Exteriors of sheds and other structures should be kept painted and well-maintained. Weeds and trash should be removed from around the facilities. Proper landscaping can provide screening and also help muffle sounds. Old and unkempt structures surrounded by weeds and piles of trash are unsightly and unsanitary. Provide a privacy fence or shrub screening (at least 4 feet high) around any outdoor chicken enclosure.

Sounds and odors

All animals and birds have characteristic sounds and odors. Owners are obliged to house animals so that sounds are no louder than the normal, adult speaking voice and odors are not offensive. Owners can achieve this by insulating the chicken coop, providing adequate ventilation, and using good sanitation practices.

Conclusion

Diplomacy and cooperation with neighbors can help avoid conflicts. If you have chickens in an urban environment, follow these suggestions and you can reduce complaints and have a long and happy relationship with your neighbors. Happy neighbors mean that chickens will remain an animal that can be raised successfully and legally in urban environments.

Chapter 17.37: Additional Development Standards

UPDATED DRAFT 10/20/21

(ADDITIONAL LANGUAGE RE AEU & CHANGE TO NUMBERS & SLAUGHTERING)

§17.37.080. Keeping Chickens in Residential Areas

- A. **Purpose.** The purpose of these requirements is to enable keeping chickens, ducks, or other similarly sized domestic fowl on residential lots while minimizing potential nuisances to neighboring property owners.
- B. General Provisions:
1. **Residential Zones.** Chickens and other domestic fowl may be kept for non-commercial purposes on residential lots in residential zones containing a detached single-family residential dwelling.
 2. **Numbers.** The permitted number of chickens is as follows:

Lot Size	Maximum Permitted
Less than 6,000 square feet	Six (6) Five (5)
6,000 – 10,000 square feet	Twelve (12) Six (6)
10,001 – 12,000 square feet	Fifteen (15) Eight (8)
12,001 – 20,000 square feet	Twenty (20) Ten (10)
20,001 square feet or greater	Twenty-Five (25) Fifteen (15)
 3. **Location.** Chickens and coops are permitted in a fenced side or rear yard and are prohibited in a front yard.
 4. **Enclosure.** Chickens shall be maintained within a secure, fenced, outdoor area. The outdoor enclosure shall include a covered chicken coop.
 5. **Setbacks.** Chicken coops shall meet all minimum zoning setbacks and shall be setback at least twenty-five (25) feet from any dwelling on adjacent lots.
 6. **Sanitation.** The outdoor enclosure and coop must be kept in a sanitary condition and free from offensive odors.
 7. **Roosters.** Roosters, crowing hens, geese, peacocks, or other similar domestic fowl are prohibited in residential zones.
 8. **Slaughtering.** The slaughtering of animals in a residential area is prohibited.

§17.37.090. Beekeeping in Residential Areas

- A. **Purpose.** The purpose of these requirements is to enable beekeeping on residential lots while minimizing potential nuisances to neighboring property owners.
- B. General Provisions:
1. **Residential Zones.** Beekeeping may only be conducted on residential lots containing a detached single-family residential dwelling and is not permitted on properties containing multiple dwelling units.
 2. **Registration.** Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Utah Code.
 3. **Numbers.** An apiary consisting of individual hives shall be permitted as follows:

Lot Size	Maximum Hives Permitted**
Less than 6,000 square feet	One (1)
6,001 – 10,000 square feet	Two (2)
10,001 – 20,000 square feet	Four (4)
20,001 – 30,000 Square feet	Six (6)
30,001 square feet and greater	Eight (8)

**Note: There may unique property or site features that are supportive of a site safely exceeding the maximum number of hives on one site. Such features include where a site is adjacent to large,

17.37: Additional Development Standards

undeveloped, open areas, hillsides, pastures, riparian areas, or similar areas, and where potential nuisances or hazards to neighbor property owners are minimal.

4. **Location.** Beehives are permitted in a fenced side or rear yard and are prohibited in the front yard. The fence requirement may be waived if beehives are located at least 50' from any dwelling on adjacent lots.
5. **Setbacks.** Beehives shall be setback at least twenty-five (25) feet from any dwelling on adjacent lots.
6. **Condition & Sanitation.** Beehives shall be kept in sound, sanitary, and usable condition with adequate space and management techniques to minimize overcrowding and swarming. All beehives shall be operated and maintained as provided in the Utah Bee Inspection Act.
7. **Water.** There must be a convenient source of water continuously available to the bees during the months of March through October.
8. **Flyaway Barrier.** A hive shall be located on the property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.
 - a. If any portion of a hive is located within 15 feet of an area providing public access or from a property line, a flyway barrier at least six (6) feet in height may be required to be established and maintained in front of the hive except as is necessary for access.
 - b. If the flyway barrier is located along the property line or within five (5) feet of the property line, it shall consist of a solid wall, fence, dense vegetation, or combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly an elevation of at least six (6) feet above the ground level over property lines in the vicinity of the beehive.

§17.37.100. Miniature Livestock

- A. **Purpose.** The purpose of these requirements is to enable keeping miniature livestock on residential lots while minimizing potential nuisances to neighboring property owners.
- B. General Provisions:
 1. **Rabbits.** The keeping of rabbits are governed by the same requirements for domestic fowl contained in Section 17.37.080.
 2. **Numbers.** Up to four (4) miniature horses, miniature goats, miniature sheep or miniature pigs may be kept on lots greater than 10,000 square feet in size.
 3. **Location.** Miniature goats, sheep & pigs are permitted in a fenced side or rear yard and are prohibited in a front yard.
 4. **Shelter.** Adequate shelter or pen areas shall be provided.
 5. **Setbacks.** A shelter or pen shall meet all minimum zoning setbacks and shall be setback at least 50 feet from all dwellings on adjacent lots.
 6. **Sanitation.** The outdoor enclosure and pens must be kept in a sanitary condition and free from offensive odors.
 7. **Water.** Fresh water must be available at all times.
 8. **Slaughtering.** The slaughtering of animals in a residential area is prohibited.
 9. **Residential Zones.** Miniature livestock shall only be kept on residential lots containing a detached single-family residential dwelling in the NR-2, NR-4, NR-6 or RC zones. Miniature livestock are not permitted on properties containing multiple residential dwellings or commercial/industrial buildings or uses.

§17.37.110. Large Livestock

- A. **Purpose.** The purpose of these requirements is to enable keeping livestock on residential lots while minimizing potential nuisances to neighboring property owners.
- B. **General Provisions:**
1. **Numbers:**
 - a. Three (3) standard goats, sheep, or other similarly size livestock are allowed on lots 10,000 square feet or greater. One (1) additional animal is allowed for each additional 10,000 square feet of area.
 - b. One (1) horse, cow, llama or similarly sized livestock is allowed on lots 20,000 square feet or greater. One (1) additional animal is allowed for each additional 20,000 square feet of area.
 2. **Location.** Livestock is permitted in a fenced rear or side yard and is prohibited in a front yard.
 3. **Setbacks.** A shelter or pen shall meet all minimum zoning setbacks and shall be setback at least 50 feet from all dwellings on adjacent lots.
 4. **Shelter.** Adequate shelter or pen areas shall be provided.
 5. **Sanitation.** The outdoor enclosure and pens must be kept in a sanitary condition and free from offensive odors.
 6. **Water.** Fresh water must be available at all times.
 7. **Slaughtering.** The slaughtering of animals in a residential area is prohibited.
 8. **Residential Zones.** Livestock shall only be kept on residential lots containing a detached single-family residential dwelling in the NR-2, NR-4, NR-6 or RC zones. Livestock are not permitted on properties containing multiple residential dwellings or commercial/industrial buildings or uses.

New (based on MC 10/19/21 hearing)

AEU Concept (No. Logan, Smithfield, Hyrum, Hyde Park use some variation of this)

§17.37.120. Number of Animals Permitted (Animal Equivalent Units/AEU)

- A. The use of the Animal Equivalent Unit methodology for determining the total permitted numbers of animals is applicable when a homeowner is keeping a variety of species on a residential lot. If a homeowner chooses to keep or raise a single category of animals, e.g., domestic fowl or miniature livestock or large livestock, then the requirements listed in the sections above apply.
- B. **Number Allowed.** The number of allowable animals kept shall be determined based on the animal equivalent unit (AEU) for each animal and the size of the lot.
- C. **Classification.** Each animal species shall be assigned one of the following classifications based on their approximate weight as follows:
1. Large animals (larger than 500 lb.) – cattle, horse, donkey, mule, etc.
 2. Medium animals (250 – 500 lb.) – emu, llama, pigs, etc.
 3. Small animals (30 – 250 lb.) – sheep, goats, miniature horses, etc.
 4. Fowl and smaller animals (less than 30 lb.) – fowl (turkeys, chickens, ducks, geese, pigeons), rabbits, etc.
- D. **Animal Equivalent Units.** Each classification of animal shall be represented by an animal equivalent unit as follows:

Animal Classification	Adult Animal Equivalent Unit (AEU) Per Animal
Large Animal	1.00
Medium Animal	0.50
Small Animal	0.20
Fowl and Smaller Animal	0.05

E. Animal Equivalent Units (AEU) allowed per Acre: 2.0

F. Formula: Lot Acreage x 2.0 (AEU per Acre) = # of animals allowed on site

Example #1: On a 0.137 ac (6,000 sf) lot x an AEU of 2.0 equals 0.33 AEU's allowed which equates to 1 small animal & 2 fowl OR 7 fowl.

Example #2: On a 0.229 ac (10,000 sf) lot x an AEU of 2.0 equals 0.46 AEU's allowed which equates to 1 medium animal OR 2 small animals & 2 fowl OR 1 small animal & 6 fowl.

Example #3: On a 0.275 ac (12,000 sf) lot x an AEU of 2.0 equals 0.55 AEU's allowed which equates to 1 medium animal OR 2 small animals & 3 fowl.

Example #4: On a 0.459 ac (20,000 sf) lot x an AEU of 2.0 equals .92 AEU's allowed which equates to 1 medium animal & 2 small animals OR 1 medium animal & 1 small animal & 4 fowl.

Example #5: On a 0.688 ac (30,000 sf) lot x an AEU of 2.0 equals 1.38 AEU's allowed which equates to 1 large animal & 2 small animals OR 2 medium animals & 1 small animals & 3 fowl.

Example #6: On a 1.0 ac (43,560 sf) lot x an AEU of 2.0 equals 2.0 AEU's allowed which equates to 2 large animals OR 2 medium animals & 5 small animals OR 1 medium animal & 5 small animals & 10 fowl.

§17.37.120. Community Agriculture

A. These requirements for Community Agriculture (Community Gardens, Community Supported Gardens, Market Gardens) are intended to minimize potential nuisances to neighboring property owners.

B. General Provisions:

1. Domestic fowl may be kept on properties designated under Community Agriculture subject to the minimum standards in Section 17.37.080.
2. Livestock of any type, other than domestic fowl, is not permitted.
3. All structures shall meet the minimum setbacks established for the underlying zone.
4. Parking shall be provided on-site at a ratio of one (1) parking stall per employee.
5. Any proposed fencing shall comply with the fencing standards in Chapter 17.30.
6. Any proposed signage shall not exceed four (4) square feet in size and shall comply with the minimum signage requirements in Chapter 17.33.
7. Health and Sanitation Requirements. All compost areas shall be located at least 25' from any residential structure.
8. Seasonal Produce Stand. A seasonal produce stand is permitted as an accessory use to Community Agricultural uses. A seasonal produce stand shall not exceed 200 square feet, shall meet minimum setbacks for the underlying zone, shall include adequate area for an additional two (2) parking stalls, and shall obtain a separate business license from Logan City in accordance with LMC 5.06.

**CITY OF LOGAN, UTAH
ORDINANCE NO. 21-22**

**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 17.08 "Neighborhood Residential Zone Uses" are amended as attached hereto as Exhibit A.

SECTION 2: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.11 "District and Corridor Zone Uses" are amended as attached hereto as Exhibit B.

SECTION 3: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.37 "Additional Development Standards" are amended as attached hereto as Exhibit C.

SECTION 4: That certain code entitled "Land Development Code, City of Logan, Utah" Chapter 17.62 "Definitions" are amended as attached hereto as Exhibit D.

SECTION 5: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2021.

AYES:
NAYS:
ABSENT:

Mark A. Anderson, 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 _____, 2021.

Mark A. Anderson, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2021.

Holly H. Daines, Mayor

EXHIBIT A

Chapter 17.08: Neighborhood Residential Zone Uses

§17.08.010 Purpose

Chapter 17.08 sets forth the types of land uses permitted and conditionally permitted within Logan's Neighborhoods.

§17.08.020 Neighborhood Residential Land Use: Classification

- A. Primary Uses. Land use shall conform to the designations in Tables 17.08.030 (Structure Type) and Table 17.08.040 (Land Use). Land uses are designated as follows:
1. Permitted Uses. A "P" indicates that a use is allowed in the respective zoning district. Permitted uses must conform to the applicable requirements of the Land Development Code. Permitted uses requiring a public hearing are subject to the Procedures for Processing Applications contained in Chapter 17.48.
 2. Conditional Uses. A "C" indicates that a use is allowed as a Conditional Use in the respective zoning district and is subject to review and approval under the provisions of Chapter 17.42, Conditional Use Permits, and the Procedures for Processing Applications contained in Chapter 17.48.
 3. Uses Not Allowed. An "N" indicates that a use is not allowed in the respective zoning district, except where State or Federal law otherwise preempts local land use regulation.
- B. Accessory Uses and Structures. An accessory use or structure may be permitted in compliance with the applicable provisions of the zone in which it is located. An accessory use shall not commence, and no accessory structure shall be constructed, without a primary use first being lawfully established on the subject site. Additional regulations apply to Home Occupations (See Chapter 17.36).
- C. Temporary Uses. Temporary uses may be permitted for a period not to exceed twelve (12) calendar months in compliance with the provisions of the zone in which it is located and the provisions of Chapter 17.53. The procedures for review and approval of a temporary use are the same as for a permanent use; however, the reviewing authority may waive certain Land Development Code standards, and impose conditions of approval on the temporary use, as it deems necessary, to promote compatibility between the proposed use and adjacent permitted uses.
- D. Non-Conforming Uses. Non-conforming uses and development are subject to the provisions of Chapter 17.52.

§17.13.030 Neighborhood Residential Structure Types

Table 17.08.030 lists the residential structure types allowed in Neighborhood Residential zones. The structure types listed in the table are defined in Chapter 17.55. A "P" means the structure type is permitted, "C" means the structure type is permitted with a conditional use permit, and "N" means the structure type is not permitted.

17.08: Neighborhood Residential Zone Uses Chickens**Table 17.08.030: Residential Structure Types Allowed in Residential Districts**

Type of Residential Structure	Residential Zoning Districts									
	NR-2	NR-2	NR-6	MR-9	MR-12	MR-20	MR-30	CR	NC	RC
Courtyard house, attached	N	N	N	P	P	P	P	P	N	N
Courtyard house, detached	N	N	P	P	P	P	P	P	N	N
Front yard house, attached	N	N	N	P	P	P	P	P	N	N
Front yard house, detached	P	P	P	P	P	P	P	P	N	P
Live work	N	N	N	N	N	N	C	C	C	N
Multi-dwelling, attached	N	N	N	P	P	P	P	P	N	N
Multi-dwelling, stacked	N	N	N	N	N	P	P	P	N	N
Manufactured housing unit	C	C	C	C	C	C	C	C	N	C
Twinhome (Duplex)	N	N	N	P	P	P	P	P	N	N
Town House	N	N	N	P	P	P	P	P	N	N

17.08: Neighborhood Residential Zone Uses Chickens**§17.08.040 Neighborhood Residential Land Uses**

The following regulations are intended to accommodate a variety of housing choices and neighborhood-oriented services. With the exception of the Manufactured Home (MH) district, Table 17.08.040 lists the land uses allowed in all neighborhood residential zones.

Table 17.08.040: Allowed Uses in Neighborhood Residential Zones

LAND USE	Neighborhood Zones									
	NR-2	NR-4	NR-6	MR-9	MR-12	MR-20	MR-30	CR-40	NC	RC
Residential Uses										
Assisted Living Center	N ¹	N ¹	N ¹	N ¹	P	P	P	N ¹	N ¹	N ¹
Dormitories, Fraternities, Sororities	N	N	N	N	N	N	N	C	N	N
Nursing Home, Convalescent Home	N ¹	N ¹	N ¹	N ¹	P	P	P	N ¹	N ¹	N ¹
Residential Group Homes for individuals with disabilities	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹
Residential Group Homes (communal living exceeding occupancy limits)	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Residential Treatment Programs where care, training, or treatment is provided on site	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Residential occupancy of a dwelling unit by a family, or no more than three (3) unrelated individuals	P	P	P	P	P	P	P	P	P	P
Residential occupancy of a dwelling unit by no more than six (6) unrelated individuals and not to exceed two (2) persons per bedroom	N	N	N	N	N	N	N	P	N	N
Public/Institutional Uses										
Cemetery, Mausoleum	C	C	C	C	C	C	C	C	N	C
Clubs, Lodges, similar uses	N	N	N	N	C	C	C	C	N	N
Day Care/ Preschool (1-8 Clients)	P	P	P	P	P	P	P	P	N	C
Day Care/ Preschool (9-16 clients)	C	C	C	C	C	C	C	C	N	N
Day Care/ Preschool (Commercial) (17 or more clients)	N	N	N	N	N	N	N	C	N	N
Libraries, Museums, Community Centers	N	N	C	C	C	C	C	C	N	N
Parks, Neighborhood	P	P	P	P	P	P	P	P	N	P
Parks, Community/Regional	C	C	C	C	C	C	C	C	N	C
Public Safety Services (Police, Fire)	C	C	C	C	C	P	P	P	N	P
Religious Institutions	P	P	P	P	P	P	P	P	N	N
Schools, Public (K-12)	State law supersedes local zoning regulations.									
Schools, Private (K-12)	C	C	C	C	C	C	C	C	N	C
Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community	N	N	N	N	C	C	C	C	N	N

17.08: Neighborhood Residential Zone Uses Chickens

LAND USE	Neighborhood Zones									
	NR-2	NR-4	NR-6	MR-9	MR-12	MR-20	MR-30	CR-40	NC	RC
Utility Uses										
Amateur radio towers	C	C	C	C	C	C	C	C	C	C
Municipal water well, reservoir, or storage tank	C	C	C	C	C	C	C	C	C	C
Radio, television, microwave towers	C	C	C	C	C	C	C	C	C	C
Utilities, basic service delivery and laterals	P	P	P	P	P	P	P	P	P	P
Utilities, distribution network	C	C	C	C	C	C	C	C	C	C
Utilities, structures, physical facilities, (Regional Facilities)	C	C	C	C	C	C	C	C	C	C
Wireless Telecommunication Facilities	C	C	C	C	C	C	C	C	C	C
Neighborhood Serving Commercial Uses										
Bed & Breakfast	N	N	N	N	N	C	C	C	N	N
Food Services less than 3,000 square feet in size & no auto drive-through ³	N	N	N	N	N	N	N	C	P	N
Food Services less than 5,000 square feet in size & no auto drive-through ³	N	N	N	N	N	N	N	C	C	N
Food Service & Sales and Service comprising no more than 25% of the first floor area	N	N	N	N	N	N	N	C	N	N
Office – General business, government, professional, medical, or financial and less than 3,000 square feet in size	N	N	N	N	N	N	N	C	P	N
Office – General business, government, professional, medical, or financial and less than 5,000 square feet in size	N	N	N	N	N	N	N	C	C	N
Sales and Service less than 3,000 square feet in size ³	N	N	N	N	N	N	N	C	P	N
Sales and Service less than 5,000 square feet in size ³	N	N	N	N	N	N	N	C	C	N
Other Uses										
~~Agricultural Uses~~	~~PN~~	~~NP~~	N	N	N	N	N	N	N	P
<u>Agriculture, Community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Agriculture, Urban</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Alternative or Post Incarceration Facilities	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Parking, Commercial	N	N	N	N	N	N	N	C	N	N

¹ Indicates use may be allowed where State or Federal law preempts local zoning. A Conditional Use Permit is required for a Group Home for Disabilities if the proposal exceeds the base occupancy of the underlying residential zone.

² Indicates use may be allowed where State or Federal law preempts local zoning. A Group Home for non-disabled individuals is only allowed where they do not exceed the base occupancy of the underlying residential zone unless otherwise allowed where State or Federal law preempts local zoning.

³ In the Campus Residential Zone, the total square footages of a proposed non-residential use may exceed the amounts listed in the use chart provided the total square footage of the proposed non-residential uses do not exceed 25% of the total first floor area and may only be located on the ground level floor.

EXHIBIT B

Chapter 17.11: District and Corridor Zone Uses

§17.11.010. Purpose

This Chapter sets forth the types of land uses permitted and conditionally permitted within Logan's Districts and Corridors.

§17.11.020. Districts & Corridors Land Use: Classification

- A. Primary Uses. Land use shall conform to the designations in Table 17.11.030 (Use Table). Land uses are designated as follows:
 1. Permitted Uses. A "P" indicates that a use is allowed in the respective zoning district. Permitted uses must conform to the applicable requirements of the Land Development Code. Permitted uses requiring a public hearing are subject to the Procedures for Processing Applications contained in Chapter 17.48.
 2. Conditional Uses. A "C" indicates that a use is allowed as a Conditional Use in the respective zoning district. Conditional uses are subject to review and approval under the provisions of Chapter 17.49, Conditional Use Permits, and following the Procedures for Processing Applications contained in Chapter 17.48. Conditional uses must conform to the applicable requirements of Chapter 17.42.
 3. Uses Not Allowed. An "N" indicates that a use is not allowed in the respective zoning district, except where State or Federal law otherwise preempts local land use regulation.
- B. Accessory Uses and Structures. An accessory use or structure may be permitted in compliance with the applicable provisions of the zone in which it is located. An accessory use shall not commence, and no accessory structure shall be constructed, without a primary use first being lawfully established on the subject site.
- C. Temporary Uses. Temporary uses may be permitted for a period not to exceed twelve (12) calendar months in compliance with the provisions of the zone in which it is located and the provisions of Chapter 17.60. The procedures for review and approval of a temporary use are the same as for a permanent use; however, the reviewing authority may waive certain Land Development Code standards, and impose conditions of approval on the temporary use, as it deems necessary, to promote compatibility between the proposed use and adjacent permitted uses.
- D. Non-Conforming Uses. Non-conforming uses and development are subject to the provisions of Chapter 17.52.

17.11: District and Corridor Zones Uses Chickens

Table 17.11.030: Allowed Uses in District and Corridor Zones

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Residential Uses									
Assisted Living Center	N	C	C	C	C	N	N	N	N
Dormitories, Fraternities, Sororities	N	N	N	N	N	N	N	N	N
Nursing Home, Convalescent Home	N	C	C	C	C	N	N	N	N
One caretaker or security guard may be permitted to live on-site as an accessory use with a Conditional Use Permit.	N	N	N	N	N	N	C	C	N
Residential Group Homes (communal living exceeding occupancy limits).	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Residential Group Homes for individuals with disabilities.	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals.	P	P	P	P	P	N	N	N	N
Residential Treatment Programs where care, training, or treatment is provided on site.	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Public/Institutional Uses									
Clubs, Lodges, similar uses	C	C	C	C	C	C	N	N	N
Day Care/Preschool, Commercial (17 or more clients)	P	P	C	C	C	C	C	N	N
Day Care/Preschool (1-8 Clients) or (9-16 Clients)	P	P	P	P	P	N	N	N	N
Hospitals	N	N	P	P	N	P	N	N	N
Libraries, Museums, Community Centers	P	P	C	C	C	C	N	N	N
Parks and Open Space	P	P	P	P	C	P	P	P	P
Public Safety Services (Police, Fire)	C	C	P	P	C	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	N	N
Schools, Colleges, University, Technical College	C	C	C	C	N	C	N	C	C
Schools, Private (K-12)	N	N	C	C	C	C	N	N	N
Schools, Trade, vocational, commercial	C	C	C	C	N	C	N	C	C
Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community	C	C	P	P	C	P	C	C	C
Utility Uses									
Amateur radio towers	C	C	C	C	N	C	C	C	C
Municipal water well, reservoir, or storage tank	C	C	C	C	N	C	C	C	C
Radio, television, or microwave towers	C	C	C	C	N	C	C	C	C
Utilities, basic service delivery and laterals	P	P	P	P	P	P	P	P	P
Utilities, distribution network	P	P	P	P	P	P	P	P	P
Utilities, structures, physical facilities (Regional Facilities)	C	C	P	C	C	P	P	P	P
Wireless Telecommunication Facilities	C	C	P	P	N	P	P	P	P
Commercial Uses									
Bank, savings and loans, or credit union	P	P	P	P	C	P	P	C	N
Bed and breakfast	P	P	P	P	C	N	P	N	N
Campground, RV or Tent	N	N	N	N	N	N	C	C	N
Clinic, medical, dental, or optical	P	P	P	P	C	P	P	C	C
Entertainment Event, Major	C	C	C	C	N	C	C	C	C
Entertainment Event, Minor	P	C	P	P	N	C	C	N	N
Golf course	N	N	N	N	N	P	N	N	C

17.11: District and Corridor Zones Uses Chickens

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Hotel, Motel	P	C	P	P	N	N	P	P	P
Indoor Commercial Shooting Range	N	N	C	N	N	N	C	C	N
Office, General business, government, professional, medical, or financial	P	P	P	P	C	P	P	P	P
Office, Laboratory, scientific or research	P	C	P	C	N	P	P	P	P
Parking, Commercial	C	C	P	C	N	N	P	P	P
Recreation and Entertainment (Outdoor Facility)	N	N	P	N	N	N	P	P	P
Recreational vehicle, vehicle storage (long term)	N	N	N	N	N	N	P	P	P
Sales and Service									
Adult oriented business	N	N	N	N	N	N	N	C	N
Amusement, commercial indoor	N	N	P	C	N	N	P	P	N
Animal clinic or pet hospital, No outdoor pens	N	N	P	C	C	N	P	N	N
Animal clinic or pet hospital, with outdoor pens	N	N	N	N	N	N	C	C	N
ATVs, Motorcycle, and Snowmobile sales, service and rental	N	N	C	N	N	N	C	P	C
Automobile Sales & Rental	N	N	C	N	N	N	P	P	N
Automobile Sales, Small Dealership	C	N	P	N	N	N	P	P	N
Automobile Repair	N	N	N	N	N	N	P	P	N
Automobile Service	N	N	P	N	N	N	P	P	N
Bar/Tavern	P	C	P	C	N	N	P	P	N
Carwash	N	N	P	N	N	N	P	P	N
Dancehall or nightclub	P	C	P	P	N	N	N	N	N
Fitness Center	P	P	P	P	C	N	P	P	N
Garden shop, plant sales, nursery	P	P	P	P	C	C	P	C	N
Gasoline station/convenience store	N	N	P	N	N	N	P	P	N
General Sales/Service. Firms involved in the sale, lease or rent of new or used products to the general public. These firms may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.	P	P	P	P	C	C	C	C	N
Grocery store	P	P	P	P	C	N	N	N	N
Heavy truck & equipment sales, service, and rental	N	N	N	N	N	N	P	P	C
Kennel	N	N	N	N	N	N	C	C	N
Kennel, daily boarding	C	C	C	C	C	C	C	C	C
Mobile Home & RV sales	N	N	N	N	N	N	C	P	N
Mortuary, funeral home	N	N	P	N	N	N	P	N	N
Package liquor store	State law supersedes local zoning regulations								
Pawn shop	N	N	P	N	N	N	P	N	N
Pet services	C	C	P	P	C	N	N	N	N
Radio or television transmitting stations, commercial	N	N	P	N	N	C	P	P	N
Railroad or bus passenger station	P	P	P	P	N	P	P	P	P
Recreation Club, racquet, swim, or other	N	N	P	N	N	N	P	P	N
Restaurant, Brew	P	C	N	N	N	N	N	N	N

17.11: District and Corridor Zones Uses Chickens

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Restaurant, Fast Food	P	C	P	P	C	P	P	P	P
Restaurant, General	P	C	P	P	C	P	P	P	P
Sales and service, footprint greater than 100,000 sq. ft. (Big Box)	N	N	P	N	N	N	C	C	N
Storage, Commercial (Self Storage)	N	N	N	N	N	N	C	C	C
Studio, photographer, artist, music, dance, and drama	P	P	P	P	C	N	P	N	N
Theaters	P	C	P	P	N	N	P	N	N
Industrial Uses									
Contractor supply store	N	N	C	N	N	N	P	P	N
Contractor supply store with outdoor storage	N	N	N	N	N	N	P	P	N
Contractors outdoor storage	N	N	N	N	N	N	C	P	C
Crematorium	N	N	N	N	N	N	P	P	N
Impound and Tow Lot	N	N	N	N	N	N	P	P	N
Industrial Services	N	N	N	N	N	N	P	P	C
Industrial Machinery and equipment sales and service	N	N	N	N	N	N	C	P	C
Lumberyard	N	N	N	N	N	N	P	P	N
Manufacturing, processing, fabrication, packaging, or assembly of goods	N	N	N	N	N	N	C	P	N
Manufacturing, light	N	N	C	N	N	N	P	P	C
Petroleum products storage	N	N	N	N	N	N	C	C	N
Truck Stop	N	N	N	N	N	N	P	P	N
Warehouse, Freight Movement	N	N	N	N	N	N	P	P	P
Waste Related Uses	N	N	N	N	N	N	C	P	N
Welding or machine shop	N	N	N	N	N	N	P	P	P
Wholesale Sales and Service	N	N	C	N	N	N	P	P	N
Wrecking or Salvage Facilities, Enclosed	N	N	N	N	N	N	C	C	N
Wrecking or Salvage Facilities, Open	N	N	N	N	N	N	N	N	N
Other Uses									
Agriculture	N	N	N	N	N	P	P	P	P
<u>Agriculture, Community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Agriculture, Urban</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Air Passenger Terminals or Hangers	N	N	N	N	N	N	N	N	P
Alternative or Post Incarceration Facilities	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Detention Facilities	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Mining or extraction of mineral or aggregate resources from the ground for off-site use	N	N	N	N	N	N	N	N	N

¹ Indicates use may be allowed where State or Federal law preempts local zoning.

EXHIBIT C

Chapter 17.37: Additional Development Standards

UPDATED DRAFT 9/23/21(All Proposed Language)

§17.37.080. Keeping Chickens in Residential Areas

- A. **Purpose.** The purpose of these requirements is to enable keeping chickens, ducks, or other similarly sized domestic fowl on residential lots while minimizing potential nuisances to neighboring property owners.
- B. General Provisions:
1. **Residential Zones.** Chickens and other domestic fowl may be kept for non-commercial purposes on residential lots in residential zones containing a detached single-family residential dwelling.
 2. **Numbers.** The permitted number of chickens is as follows:

Lot Size	Maximum Permitted
Less than 6,000 square feet	Five (5)
6,000 – 10,000 square feet	Six (6)
10,001 – 12,000 square feet	Eight (8)
12,001 – 20,000 square feet	Ten (10)
20,001 square feet or greater	Fifteen (15)
 3. **Location.** Chickens and coops are permitted in a fenced side or rear yard and are prohibited in a front yard.
 4. **Enclosure.** Chickens shall be maintained within a secure, fenced, outdoor area. The outdoor enclosure shall include a covered chicken coop.
 5. **Setbacks.** Chicken coops shall meet all minimum zoning setbacks and shall be setback at least twenty-five (25) feet from any dwelling on adjacent lots.
 6. **Sanitation.** The outdoor enclosure and coop must be kept in a sanitary condition and free from offensive odors.
 7. **Roosters.** Roosters, crowing hens, geese, peacocks, or other similar domestic fowl are prohibited in residential zones.
 8. **Slaughtering.** The slaughtering of chickens in front or side yards is prohibited.

§17.37.090. Beekeeping in Residential Areas

- A. **Purpose.** The purpose of these requirements is to enable beekeeping on residential lots while minimizing potential nuisances to neighboring property owners.
- B. General Provisions:
1. **Residential Zones.** Beekeeping may only be conducted on residential lots containing a detached single-family residential dwelling and is not permitted on properties containing multiple dwelling units.
 2. **Registration.** Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Utah Code.
 3. **Numbers.** An apiary consisting of individual hives shall be permitted as follows:

Lot Size	Maximum Hives Permitted**
Less than 6,000 square feet	One (1)
6,001 – 10,000 square feet	Two (2)
10,001 – 20,000 square feet	Four (4)
20,001 – 30,000 Square feet	Six (6)
30,001 square feet and greater	Eight (8)

**Note: There may unique property or site features that are supportive of a site safely exceeding the maximum number of hives on one site. Such features include where a site is adjacent to large,

17.37: Additional Development Standards

- undeveloped, open areas, hillsides, pastures, riparian areas, or similar areas, and where potential nuisances or hazards to neighbor property owners are minimal.
4. **Location.** Beehives are permitted in a fenced side or rear yard and are prohibited in the front yard. The fence requirement may be waived if beehives are located at least 50' from any dwelling on adjacent lots.
 5. **Setbacks.** Beehives shall be setback at least twenty-five (25) feet from any dwelling on adjacent lots.
 6. **Condition & Sanitation.** Beehives shall be kept in sound, sanitary, and usable condition with adequate space and management techniques to minimize overcrowding and swarming. All beehives shall be operated and maintained as provided in the Utah Bee Inspection Act.
 7. **Water.** There must be a convenient source of water continuously available to the bees during the months of March through October.
 8. **Flyaway Barrier.** A hive shall be located on the property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.
 - a. If any portion of a hive is located within 15 feet of an area providing public access or from a property line, a flyway barrier at least six (6) feet in height may be required to be established and maintained in front of the hive except as is necessary for access.
 - b. If the flyway barrier is located along the property line or within five (5) feet of the property line, it shall consist of a solid wall, fence, dense vegetation, or combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly an elevation of at least six (6) feet above the ground level over property lines in the vicinity of the beehive.

§17.37.100. Miniature Livestock

- A. **Purpose.** The purpose of these requirements is to enable keeping miniature livestock on residential lots while minimizing potential nuisances to neighboring property owners.
- B. **General Provisions:**
 1. **Rabbits.** The keeping of rabbits are governed by the same requirements for domestic fowl contained in Section 17.37.080.
 2. **Numbers.** Up to four (4) miniature horses, miniature goats, miniature sheep or miniature pigs may be kept on lots greater than 10,000 square feet in size.
 3. **Location.** Miniature goats, sheep & pigs are permitted in a fenced side or rear yard and are prohibited in a front yard.
 4. **Shelter.** Adequate shelter or pen areas shall be provided.
 5. **Setbacks.** A shelter or pen shall meet all minimum zoning setbacks and shall be setback at least 50 feet from all dwellings on adjacent lots.
 6. **Sanitation.** The outdoor enclosure and pens must be kept in a sanitary condition and free from offensive odors.
 7. **Water.** Fresh water must be available at all times.
 8. **Slaughtering.** The slaughtering of animals in the front or side yard is prohibited.
 9. **Residential Zones.** Miniature livestock shall only be kept on residential lots containing a detached single-family residential dwelling in the NR-2, NR-4, NR-6 or RC zones. Miniature livestock are not permitted on properties containing multiple residential dwellings or commercial/industrial buildings or uses.

§17.37.110. Large Livestock

- A. **Purpose.** The purpose of these requirements is to enable keeping livestock on residential lots while minimizing potential nuisances to neighboring property owners.
- B. General Provisions:
1. **Numbers:**
 - a. Three (3) standard goats, sheep, or other similarly size livestock are allowed on lots 10,000 square feet or greater. One (1) additional animal is allowed for each additional 10,000 square feet of area.
 - b. One (1) horse, cow, llama or similarly sized livestock is allowed on lots 20,000 square feet or greater. One (1) additional animal is allowed for each additional 20,000 square feet of area.
 2. **Location.** Livestock is permitted in a fenced rear or side yard and is prohibited in a front yard.
 3. **Setbacks.** A shelter or pen shall meet all minimum zoning setbacks and shall be setback at least 50 feet from all dwellings on adjacent lots.
 4. **Shelter.** Adequate shelter or pen areas shall be provided.
 5. **Sanitation.** The outdoor enclosure and pens must be kept in a sanitary condition and free from offensive odors.
 6. **Water.** Fresh water must be available at all times.
 7. **Slaughtering.** The slaughtering of animals in the front or side yard is prohibited.
 8. **Residential Zones.** Livestock shall only be kept on residential lots containing a detached single-family residential dwelling in the NR-2, NR-4, NR-6 or RC zones. Livestock are not permitted on properties containing multiple residential dwellings or commercial/industrial buildings or uses.

§17.37.120. Community Agriculture

- A. These requirements for Community Agriculture (Community Gardens, Community Supported Gardens, Market Gardens) are intended to minimize potential nuisances to neighboring property owners.
- B. General Provisions:
1. Domestic fowl may be kept on properties designated under Community Agriculture subject to the minimum standards in Section 17.37.080.
 2. Livestock of any type, other than domestic fowl, is not permitted.
 3. All structures shall meet the minimum setbacks established for the underlying zone.
 4. Parking shall be provided on-site at a ratio of one (1) parking stall per employee.
 5. Any proposed fencing shall comply with the fencing standards in Chapter 17.30.
 6. Any proposed signage shall not exceed four (4) square feet in size and shall comply with the minimum signage requirements in Chapter 17.33.
 7. **Health and Sanitation Requirements.** All compost areas shall be located at least 25' from any residential structure.
 8. **Seasonal Produce Stand.** A seasonal produce stand is permitted as an accessory use to Community Agricultural uses. A seasonal produce stand shall not exceed 200 square feet, shall meet minimum setbacks for the underlying zone, shall include adequate area for an additional two (2) parking stalls, and shall obtain a separate business license from Logan City in accordance with LMC 5.06.

EXHIBIT D

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:

"Agriculture" means the production, keeping, or maintenance, for ~~commercial purposes, 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.

"Agriculture, Community" means crop production, horticulture, floriculture, or viticulture and which may include facilities for the sale of produce, plants, and/or flowers produced or grown on-site. The phrase "agriculture, community" is lower in scale than "agriculture" and more restricted in its operations. The phrase "agriculture, community" includes:

- A. **Community Gardens** are gardens that are maintained and cultivated by non-profit entities or groups of individuals who engage in the activity for their own benefit;
- B. **Small community-supported Farms** are farms that are less than two acres in area, in which produce, plants, and/or flowers are grown and harvested on behalf of a community of members ("shareholders") who pledge financial support in advance of the growing season; and
- C. **Market Gardens** are gardens up to one-half acre in area in which produce, plants, and/or flowers are grown for off-site distribution and sale.

The phrase "agriculture, community" includes composting (of agricultural byproducts produced on-site for use on-site) and seasonal produce stands as accessory uses. The phrase "agriculture, community" does not include the phrase "agriculture" as defined above.

"Agriculture, Urban" means the production of food within an urban area on a scale that is for personal use and consumption. Urban agriculture can also include animal husbandry (e.g., breeding and raising livestock), beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers.

"Beekeeper" means a person who owns or has charge of one or more colonies of bees.

"Beekeeping Equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: October 8, 2021
 FROM: Mike DeSimone, Director
 SUBJECT: Grandfathering - Ordinance #21-22 (LDC Amendments – Urban Agriculture)

This is a follow-up to the discussion regarding grandfathering as it relates to agricultural uses in Logan City.

As mentioned in the earlier staff report, Logan Municipal Code 6A includes language that defers to the City's land use regulations for Animals for Family Food Production. LMC 6A was adopted on May 7, 2019 under Ordinance 19-06 and replaced LMC Title 6. The reference in LMC 6A to "Animals for Family Food Production" does not appear in any of the City's earlier LMC sections on Animal Control.

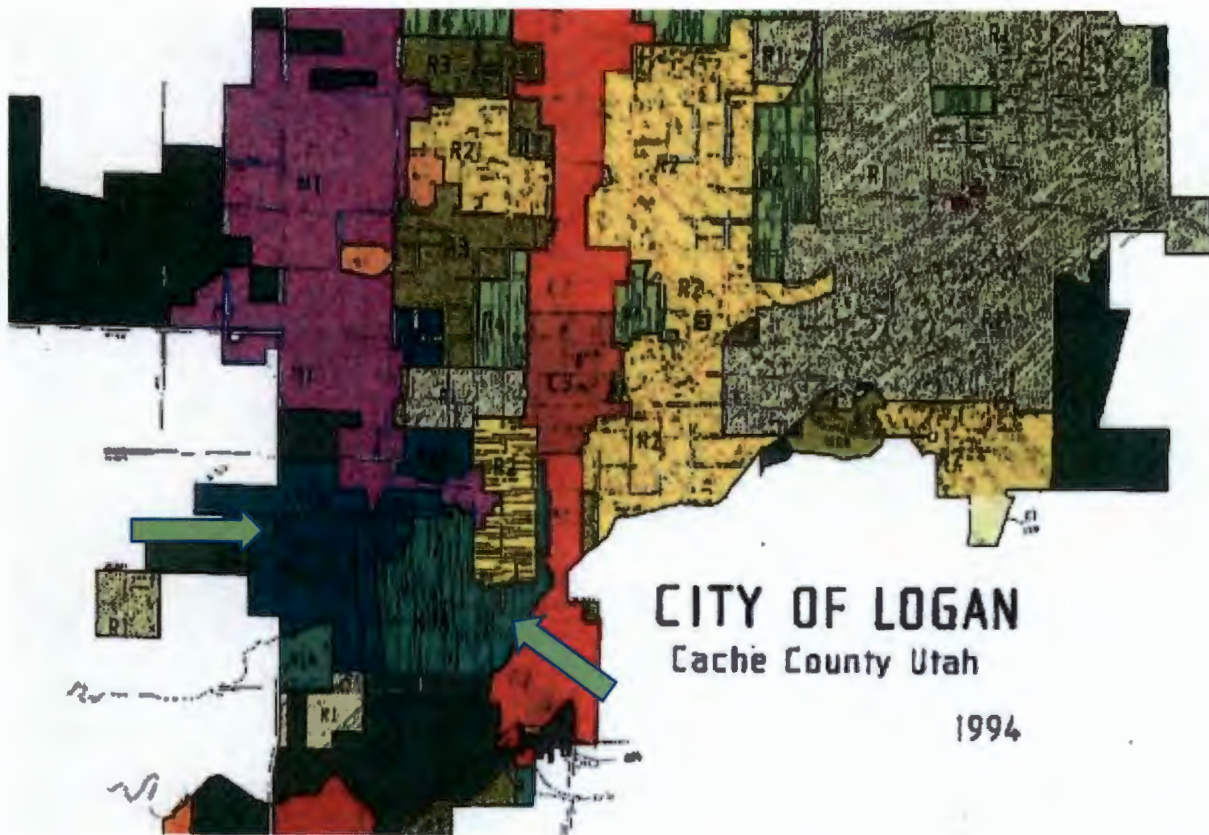
I also went back through previous Zoning Ordinance and Land Development Codes to determine if, and when, the City was regulating backyard animals through zoning. In 1993, Title 17 (Zoning) allowed the keeping of animals for family food production in the R1A, R2A, R3A and the Ag zones, either as a permitted use or a special use.

sections 17-3-1 and 17-3-2, respectively)

AGRICULTURAL AND RELATED USES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
148. Home crop production																	
149. Breeding or raising of animals for food or sale		S		S				S									P
150. Dairy																	P
151. Ranch		S						S									P
152. Beekeeping		S		S				S									P
153. Crop production for sale		P		S				P									P
154. Orchard for home use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
155. Orchard, commercial	S	P	S	S	S	S	S	S	S								P
Land Use Description	R1	R1A	R2	R2A	R2B	R3	R3A	R4	MH	C1	C2	C3	C4	M1	A		
156. Keeping animals or fowl commonly used for food or fiber production or as beasts of burden		S		S			S										P
157. Keeping dogs, cats, fish or exotic caged birds (kennel excluded)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
158. Family food production		P		P			P										P

These descriptions and zones had been around since the 70's and 80's and were common throughout the City. The "A" was used to signify a modifier on the R1 zone to include agricultural related uses. Ironically enough, the R1A, R2A and R3A zones were also traditionally single-family neighborhoods

where small, multi-family developments were being constructed. In the early 90's, R1A, R2A and R3A zones were limited to the west side of town (see green arrows) as shown on the 1994 Zoning Map:



The City adopted an interim resolution 95-36 which began the process of transitioning the "old" Zoning Ordinance into the precursor of the current Land Development Code system we now use. This resolution changed the zoning designations from the old system of R-1, R-2, etc., to SFL, SFT, SFR, etc. With this change, the R1A, R2A & R3A were replaced or eliminated as shown below. The transition from a Zoning Ordinance to a Land Development Code was incremental as evident in the record of numerous ordinances changing small code sections at a time over a period of several years.

The zoning districts in Title 17 of the Logan Municipal Code are hereby changed as follows

New Zone	Min. Lot Size	Maximum Density	Replaces zone(s)
Single Family Low Density SFL	15,000 SqFt ¹	0.2 units/acre	No equivalent
Single Family Traditional Density SFT	8,000 SqFt	5.5 units/acre	R1
Single Family Residential Density SFR	6,000 SqFt	7.0 units/acre	R2
Multi-Family Medium Density MFM	6,000 SqFt 8,000 SqFt/Duplex	11.0 units/acre	R2A, R2B
Multi-Family High Density MFH	6,000 SqFt	14.0 units/acre	R3, R4

The City adopted Ordinance No. 00-34 on June 7, 2000 changing the residential components of the code, including the use tables, and Ordinance No. 00-62 on October 11, 2000, which established a new definition of agriculture that is also same definition found in the current Land Development Code and referenced in the earlier staff memo to Council. The 2000 Residential Use Chart (with footnote) showing that Agriculture uses were only permitted in the AG zone is shown below:

Category	Description (Excerpt)	Residential Zoning Districts							
		AG	SFL	SFT	SFR	MFEM	MFH	MFV	MH
Other Uses									
Agriculture Refer to §17.11.010	Activities that primarily involve raising, producing or keeping crops or animals	P	No ¹⁵	No ¹⁴	No ¹⁴	No ¹⁴	No ¹⁴	No ¹⁴	No ¹⁴
	Gardening-The cultivation or care of fruits, vegetables or flowers for non-commercial purposes.	P	P	P	P	P	P	P	P
Animal slaughtering or chicken killing		No	No	No	No	No	No	No	No

14 Outdoor storage of agriculture materials, and equipment is allowed except in the front yard, when associated agricultural uses of same property.

15 Legally existing nonconforming agricultural uses are permitted to continue under the provisions of Chapter 17.59.

The adoption of Ordinance 00-62, removed any references to keeping animals for personal use as shown in earlier zoning codes and lumped everything into the general category of Agriculture. Footnote #15 in the use chart refers to the ability to continue with legally existing, nonconforming ag uses as allowed under Chapter 17.59 which were the nonconformity provisions.

For grandfathering purposes as it relates to the proposed Urban Agriculture regulations under Ordinance 21-22, it appears that an appropriate date to establish grandfathering for raising or keeping animals on residential properties would be June 7, 2000. Uses or activities established prior to June 7, 2000 would be eligible for grandfathering while ag uses established later, would be ineligible for grandfathering as they were prohibited after 2000.

If you have any questions, please let me know.



**Project #21-051
Urban Agriculture
Land Development Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Urban Agriculture (Updated)
<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>	September 23, 2021
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.08, 17.11, 17.37 and 17.62 of the Land Development Code.

REQUEST

This is a proposed amendment to the Land Development Code (LDC) permitting Community Agriculture and Urban Agriculture throughout the City. More specifically, the proposed language defines the minimum standards for keeping chickens, domestic fowl, bees, miniature and larger livestock on residential properties. This amendment also clarifies the distinction in types of Agriculture, namely the differences between Community Agriculture and general Agriculture. Moreover, the purpose is to enable residents to keep animals and bees on their property while minimizing the negative impacts on adjoining properties.

This amendment is in response to inquiries we regularly receive about keeping chickens on residential lots and a lack of clear guidance in the City's current code structure.

BACKGROUND

There is a disconnect between the City's animal regulations (Chapter 6A) and the Land Development Code on keeping animals or bees.

Logan Municipal Code 6A.06.030 – Limits on Animals for Family Food Production states:

The type and number of animals for family food production that may be kept is limited and governed exclusively by the city's land use ordinances and regulations set forth in city ordinance. It is presumed that if a type of animal is not expressly allowed as either a permitted or conditional use in a specific land use zone as determined by city ordinances then that animal is deemed prohibited.

Land Development Code Chapter 17.62: Definitions states:

"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.

Chapter 6A of the Logan Municipal Code defers the keeping of animals for family food production to the Land Development Code. The definition of agriculture in the LDC is relatively broad as it includes a wide range of ag uses from large scale commercial operations down to individual scaled agriculture. Under the current use tables, agriculture is a permitted use in the NR-2, NR-4, RC, GW, CS, IP and AP zones. Under this definition and with our current use charts, hypothetically, a property owner could put in a commercial dairy in the Cliffside area yet a property owner living in the NR-6 zone cannot raise chickens for family food production.

Contrary to some of the comments you received for the September 9, 2021 public hearing, the purpose of these regulations is to clarify where and how various types of agriculture uses should be permitted throughout the City.

The first element of this proposal are the proposed changes to the applicable definitions in 17.62: Definitions where the definition of Agriculture is modified to referenced commercial, and a definition of Community Agriculture and Urban Agriculture are included to reference smaller scaled agricultural related activities for food coops, personal use, etc.

"Agriculture" means the production, keeping, or maintenance, for commercial purposes, 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.

Community Agriculture means crop production, horticulture, floriculture, or viticulture and which may include facilities for the sale of produce, plants, and/or flowers produced or grown on-site. The phrase "agriculture, community" is lower in scale than "agriculture" and more restricted in its operations. Community Agriculture includes composting (of agricultural byproducts produced on-site for use on-site) and seasonal produce stands as accessory uses. Community Agriculture is separated into three categories:

- A. **Community Gardens** are gardens that are maintained and cultivated by non-profit entities or groups of individuals who engage in the activity for their own benefit;
- B. **Small community-supported Farms** are farms that are less than two acres in area, in which produce, plants, and/or flowers are grown and harvested on behalf of a community of members ("shareholders") who pledge financial support in advance of the growing season; and
- C. **Market Gardens** are gardens up to one-half acre in area in which produce, plants, and/or flowers are grown for off-site distribution and sale.

Urban Agriculture means the production of food within an urban area on a scale that is for personal use and consumption. Urban agriculture can also include animal husbandry (e.g., breeding and raising livestock), beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers.

The change to the definition of agriculture moves it in the direction of referencing commercial agriculture while the others are new definitions recognizing a smaller scale, more urban agriculture for various groups or individual use. There is also a difference in scale between community agriculture and urban agriculture as community ag is centered around a larger involvement by more people in raising plants or food whereas the urban ag is generally a private individual raising plants, animals and vegetables for their own consumption with some secondary distribution. There are currently a number of community gardens in Logan providing food for residents unable to grow it at their own residence. Both types of agriculture are important and encourage residents to raise their own food provided impacts to adjacent owners are minimized.

The second element of this proposed approach includes proposed changes to the Residential Use Table (17.08) and the District and Corridor Use Table (17.11):

17.08: Neighborhood Residential Uses - Added Community Agriculture and Urban Agriculture to the Residential Use Table in 17.08.040 as permitted in all zones.

17.11: District and Corridor Uses - Added Community Agriculture and Urban Agriculture to the Commercial/Industrial Use Table in 17.11.030 as permitted in all zones.

The third element is the proposed language in 17.37 regulating types of livestock and their operational standards. In preparing the revised language, I surveyed a number of jurisdictions for precedent examples on regulating chickens, animals & bees including Brigham City, Murray, Providence, North Logan, Roy, American Fork, Millcreek, Cedar City, Farmington, Clearfield, Springville, Spanish Fork, Draper, Smithfield, Provo, Orem, West Valley and Bountiful. Generally, the common threads in most approaches include a statement of purpose, what zones they are permitted, numbers/densities, location on property, types of enclosures, setbacks from property lines and structures, sanitation, roosters, slaughtering, and permitting. The revised draft language being presented to the Planning Commission on 9/23/21 addresses these areas of concern except for permitting. We do not want to require a permit to keep animals. In regards to beekeeping, I also reached out to the local individuals who commented on the first draft and expressed their levels of experience and expertise in beekeeping. Their comments have been incorporated into the revised draft.

Proposed changes to Land Development Code – summarized below and attached.

17.37.080 (chickens) – standards for permitting domestic fowl on residential lots based on lot sizes, existing residential development, lot requirements (setbacks), chicken coop/run requirements, and nuisance elements. The one area that remains a point of discussion is determining the appropriate number of chickens to be located on a residential property. The average among most similarly sized jurisdictions is six (6) chickens per residential lot. Some of the smaller cities permit greater numbers while some of the larger cities permit fewer numbers. I also modified the language permitting roosters, peacocks or similar animals on larger lots to prohibited on residential lots.

17.37.090 (beekeeping) – standards for permitting beekeeping on residential lots based on lot sizes, registration with the State, lot requirements, existing residential development, and setbacks from adjoining parcels.

17.37.100 (miniature livestock) – standards for permitting miniature livestock on residential lots based on lot sizes and minimum lot area available for animals, health and sanitation requirements, zoning, residential development, and setbacks from adjoining parcels.

17.37.110 (large livestock) – standards for permitting large livestock (horses, cows, goats, sheep) on residential lots based on lot sizes and minimum lot area available for animals, health and sanitation requirements, zoning, residential development, and setbacks from adjoining parcels.

The fourth element is the proposed language in 17.37 addressing community agriculture and the uses associated with it.

17.37.120 (Community Agriculture) – operational standards for community gardens, community supported gardens and market gardens to help minimize or reduce potential impacts to neighboring properties.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code are in response to requests we have received from residents regarding raising chickens in residential areas. We have also responded to issues or complaints regarding livestock with limited standards to fall back on. There are many areas of Logan that are suitable for raising many types of animals or livestock and the proposed language provides minimum operational standards to help minimize nuisance problems with adjacent property owners. Generally, complaints come down to how well an owner maintains their property and manages their animals by controlling noise, odors, feed, manure and rodents. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

GENERAL PLAN

The proposed amendments are minor in nature and are consistent with the General Plan.

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 8/28/21, posted on the City's website and the Utah Public Meeting website on 8/30/21, and noticed in a quarter page ad on 8/21/21.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, 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 Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments are minor in nature.

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.

Comparison of Chickens by Community

City	Population	Chickens Permitted	Zones	Lot Sizes	Numbers
CACHE VALLEY COMMUNITIES					
Logan	51,958				
Hyde Park	5,039	Yes	All	Formula (AEU)	8 - 30
Hyrum	9,125	Yes	SFR	0 - 8,000	4
				8,000 - 12,000	6
				12,000 - 22,000	8
Mendon	1,382	Yes	All	No Min	No Minimum
Nibley	7,329	Yes	SFR	0 - 12,000	None
				12,000 - 32,670	6
				32,670 +	50
North Logan	11,467	Yes	SFR	0 - 32,670	3 - 15
				32,670 +	15+
Providence	8,234	Yes	SFR	No Min	No Minimum
Richmond	2,965	Yes	SFR	Min 10,000 sf	15
River Heights	2,192	Yes	SFR	0 - 14,378	6
				14,378 +	12
Smithfield	12,581	Yes	SFR	< 8,000	4
				< 10,000	8
				< 12,000	10
				< 16,000	12
				< 20,000	16
Wellsville	4,167	Yes	All	0 - 21,780	35
				21,780 +	50

City	Population	Chickens Permitted	Zones	Lot Sizes	Numbers
OTHER COMMUNITIES					
American Fork	34,521	Yes	SFR	< 7,500 < 8,000 < 9,000 < 10,000	4 4 5 6
Bountiful	43,893	Yes	SFR/All	None	8
Brigham City	20,001	Yes	SFR	< 7,000 < 8,000 < 10,000 < 14,000 < 20,000	2 4 6 8 10
Cedar City	38,304	Yes	SFR	None	6
Draper	49,495	Yes	SFR	0 – 11,500 11,500 +	6 1/1,500sf Max 25
Farmington	27,073	Yes	All	< 21,780 21,780 +	8 12
Herriman	64,718	Yes	SFR	< 5,000 < 8,000 < 10,000 10,000 +	0 4 6 10
Millcreek	62,260	Yes	SFR	Based on Zone	3 5 8
Murray	48,491	Yes	SFR	< 6,000 < 10,000 < 12,000 12,000 +	4 5 6 8

Provo	116,594	Yes	SFR	< 6,000	2
				< 7,000	3
				< 8,000	4
				< 9,000	5
				10,000 +	6
Roy	40,315	Yes	SFR	Minimum 8,000	6
Spanish Fork	42,895	Yes	SFR	< 5,000	0
				5,000 +	6
Taylorsville	59,405	Yes	SFR	< 5,000	0
				< 6,000	2
				< 7,000	3
				< 8,000	4
				< 9,000	5
				< 10,000	6
				< 12,000	8
				12,000 +	10



PLANNING COMMISSION MINUTES

Meeting of September 23, 2021

Logan City Council Chambers (290 N 100 W Logan, UT 84321) www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, September 23, 2021 Chair Dickinson called the meeting to order at 5:30 p.m.

Commissioners Present: Regina Dickinson, Jessica Lucero, Jordy Guth, Sandi Goodlander, Roylan Croshaw, Ken Heare, David Lewis

Staff Present: Mike DeSimone, Tanya Rice, Russ Holley, Holly Daines, Bill Young, Karen Clark

Commissioner Goodlander moved to approve the minutes from the September 9, 2021 meeting as submitted. Motion seconded by Commissioner Guth. The motion was approved unanimously.

The commission continued PC 21-050 Infinite Storage and PC 21-059 Brickyard to the October 14, 2021 meeting.

PUBLIC HEARING

PC 21-056 Logan Library [Design Review Permit] Kent Craven/Logan City, authorized agent/owner request a design review permit to build a 3 story, 35,000 SF public library building and construct new parking area. The project is located at 255 North Main in the Town Center One (TC-1) zone; TIN 06-016-0032; -0033. (Ellis Neighborhood)

STAFF: R. Holley reviewed the request for a new 3 story, 35,000 SF public Library building at the corner of 300 North and Main Street in the TC-1 zone. The building has unique fenestration patterns that allow for better viewing from inside and out. There are two outdoor terraces, one on the south side, second floor and one on the north side third floor. The proposed site plan includes a plaza and a reconfigured parking area that will bring the total number of parking stalls to 254 which is 40 more stalls than there is currently. This building meets the minimum elevation, mass, and fenestration requirements.

PROPONENT: Kent Craven said they are excited about this design, how it connects main street to the plaza with the windows letting you see through. The floor plan is very functional and allows library staff to monitor all entrances to see who is entering and exiting the library.

Commissioner Goodlander asked if the brick is real and if there was a concern with controlling the temperature inside the building having such large windows. K. Craven said they will be installing electric floorboards under each window that will help keep the heat in.

Commissioner Guth said that the grey color is very trendy right now and the color chosen should stand the test of time and fit in with the rest of historic downtown.

Mayor Daines said that they have looked at three colors, red, buff, and grey. All three represent the area and fit in with historic downtown. More people seem to prefer the gray brick.

PUBLIC: Karen Clark, library director said that they have been working on this plan for the past year, paying close attention to detail to make sure it is what the patrons want and what works best for the community.

Commissioner Goodlander asked where the books will be stored during construction. K. Clark said some of the books we be stored in the City Hall basement and some at the service center. They will follow the same process as when they were closed due to Covid. They will also be getting more digital content to offer during this time.

COMMISSION: Commissioner Dickinson said she is still concerned with the parking and children having to walk through the parking lot to get to the library. R. Holley said this is a smaller scale parking lot, with the short rows of stalls it does not justify sidewalks within the parking lot. This new parking configuration improves vehicular circulation.

MOTION: Commissioner Lucero moved to **conditionally approve** a design review permit for PC 21-056 with the conditions and findings for approval as listed below. Commissioner Croshaw seconded the motion.

Moved: J. Lucero

Seconded: R. Croshaw

Approved: 7-0

Yea: Guth, Goodlander, Croshaw, Dickinson, Lucero, Lewis, Heare

Nay:

Abstain:

PC 21-058 Neighborhood Nonprofit Housing Office Expansion [Conditional Use Permit]
Josh Runharr/Neighborhood Nonprofit Housing Corp., authorized agent/owner, request a conditional use permit to expand an existing office building to include a new 6,168 SF, two-story wing joining the existing building on the Northeast corner and running parallel to the river. The site is located at 195 Golf Course Road in the Mixed Residential Low (MR-12) zone; TIN 02-064-0010. (Woodruff Neighborhood)

STAFF: R. Holley reviewed the request for a conditional use permit to expand the existing Neighborhood Nonprofit Office located at 195 Golf Course Road, in the MR-12 zone. The expansion will include a new 6,168 SF, two story wing that will join the existing building on the northeast corner and run parallel to the river. There will be some adjustments to the existing parking lot, a patio and landscaping along the river. This addition reduces the number of parking stalls from 72 to 65. This has been reviewed and approved by the community development director due to the additional 29 stalls to the north that are shared with senior apartments.

Commissioner Goodlander asked why the required parking did not go up with this expansion that added on to the total SF of the building. R. Holley said in this zone and this being a conditional use permit, the parking is not based on the SF, it is determined by the specific use of the space. Commissioner Dickinson asked if the building was sold would this parking still be sufficient. M. DeSimone said based on the use of this office and the apartments to the north, there are more than enough parking stalls between the two buildings.

PROPONENT: Josh Runharr said that between this building and the apartments to the north there is a potential of a maximum 27 office spaces. With their current 14 employees, and the walk in cliental being 2 to 3 at one time, they have plenty of parking.

PUBLIC: No public comments were made.

MOTION: Commissioner Goodlander moved to **conditionally approve** PC 21-058 with the conditions and findings for approval as listed below. Commissioner Heare seconded the motion.

Moved: S. Goodlander

Seconded: K. Heare

Approved: 7-0

Yea: Guth, Goodlander, Croshaw, Dickinson, Lucero, Lewis, Heare

Nay:

Abstain:

PC 21-060 Mural at 939 Highway 89 [Design Review Permit] Matthew F Harris/Stronghold Assets LLC, owner/authorized agent is requesting a design review permit for a mural to be painted on the side of the storage unit building located at 939 South Highway 89 in the Commercial (COM) zone; TIN 02-085-0007. (Woodruff Neighborhood)

STAFF: R. Holley reviewed the request for a design review permit for a mural to be painted on the side of the storage unit building that is approximately 15' tall by 32' wide, located at 939 South Highway 89 in the Commercial zone. The mural depicts a colorful bull's head with birds sitting on his horns. An ear-tag is shown on the bull's right ear listing "Lux Salon Suites". Wall art must be completely free of any commercial signage, the applicant will have to apply for a separate sign permit for the commercial message portion.

PROPONENT: No comments were made by the proponent.

PUBLIC: No public comments were made.

COMMISSION: Commissioner Croshaw asked what the square footage is of the end of that building R. Holley said it is 220 Square feet, 15' x 32' and set back 200 feet from the street.

MOTION: Commissioner Croshaw moved to **Conditionally approve** a design review permit for PC 21-060 with the conditions and findings for approval as listed below. Commissioner Heare seconded the motion.

Moved: R. Croshaw

Seconded: K. Heare

Approved: 7-0

Yea: Guth, Goodlander, Croshaw, Dickinson, Lucero, Lewis, Heare

Nay:

Abstain:

PC 21-061 C.B. Robbins Subdivision [Subdivision Permit] Nic Porter/Marlee & Company Inc., authorized agent/owner, request a subdivision permit to subdivide 1.29 acres into 6 single family residential building lots, located at approximately 257 East 1000 North in the Traditional Neighborhood Residential (NR-6) zone; TIN 05-020-0022. (Adams Neighborhood)

STAFF: T. Rice reviewed the request for a subdivision permit to subdivide 1.29 acres into 6 single family residential building lots at approximately 257 East 1000 North in the NR-6 zone. A Condition will need to be added to require a landscape plan that incorporates the 10' swell that runs along the front of the property.

PROPONENT: Nic Porter said he was planning on having the stormwater swale in the park strip and it will be fully landscaped with grass. Nic talked about coming up with the name for this project. He read a journal entry from original owner of this lot, Charlie Robbins, who was a member of the Logan City Council in the late 1800's, early 1900's.

M. DeSimone stated that the proponent will need to establish an HOA to manage and maintain the stormwater retention areas and any other common areas, and that the stormwater swale is not permitted in the parkstrip.

PUBLIC: No public comments were made.

MOTION: Commissioner Goodlander moved to conditionally approve PC 21-061 with the amended conditions and findings as listed below. Commissioner Heare seconded the motion.

Moved: S. Goodlander

Seconded: K. Heare

Approved: 7-0

Yea: Guth, Goodlander, Croshaw, Dickinson, Lucero, Lewis, Heare

Nay:

Abstain:

PC 21-051 Land Development Code Amendment-Chapter 17.08, 17.11, 17.37, 17.62

[Code Amendment] Mike DeSimone/Logan City, request to amend chapter 17.08 "Neighborhood Residential Uses"; Chapter 17.11 "District and Corridor Zone Uses"; Chapter 17.37 "Additional Development Standards"; and Chapter 17.62 "Definitions" To include standards for community agricultural uses, urban agricultural uses, and the keeping of domestic fowl, bees, and livestock in urban areas.

STAFF: M. DeSimone reviewed the background and updates of the code amendment on chapter 17.37: Additional Development Standards Domestic Fowl, Beekeeping, Livestock, Urban Agriculture. M. DeSimone went over the changes in the proposed draft from the previous meeting based on input from the Planning Commission and residents and went through a comparison of how other jurisdictions in both Cache Valley and Statewide regulate chickens/fowl.

Currently agriculture uses are only permitted in the NR-2, NR-4, RC, GW, CS, IP, and AP zones. Agricultural uses are prohibited in the NR-6, MR, and all other commercial zones not listed above. Due to the amount of inquiries the city receives on raising chickens, the complaints about neighboring animals (nuisance – odors, noise), and lack of operating standards (numbers, locations, setbacks, containment), Logan City needs some minimum standards for regulating animals in residential neighborhoods as well as separating out larger, industrial/commercial agricultural uses from smaller, residential scaled agricultural uses.

The purpose of this code amendment is to:

- Establish minimum standards for keeping domestic fowl (chickens), bees, & livestock in residential areas
- Clarify the distinction in types of "Agriculture" that are appropriate for Logan – community gardens, community supported gardens, market gardens, commercial/industrial agriculture
- Minimize negative impacts of keeping fowl, bees, & livestock on adjoining properties
- Attempt to balance the "rights & desires" of all landowners – those owning animals and those living next door

Proposed 17.37.080 – Chickens (updated)

- Urban Agriculture – food production within an urban area on a scale that is for personal use/consumption and compatible with neighborhood
- Number of chicken's correlate to lot size:
 - < 6,000 sf – 5 chickens
 - 6,001 – 10,000 sf – 6 chickens
 - 10,001 – 12,000 sf – 8 chickens
 - 12,001 – 20,000 sf – 10 chickens
 - 20,001 sf + – 15 chickens
- Location/Enclosure: fenced side or rear yard with a coop (contained)

- Coop Setback: 25' from dwellings on adjoining lots (odors/noise)
- Sanitation: keep sanitary & clean (odors)
- No roosters, geese, turkeys, peacocks (noise)
- No Outdoor Slaughtering (noise, odors)

Proposed 17.37.090 – Bees (updated)

- Reached out to Beekeepers who commented on early draft
- Beekeeping conducted in conjunction with SFR
- Registration with Utah Dept. of Agriculture & Food
- Numbers of beehives based on minimum lot size w/caveat
- Location – fenced side or rear yard w/caveat (fence requirement waived if beehives at least 50' from adjoining dwellings)
- Beehive setback: 25' from dwellings on adjoining lots
- Condition & Sanitation Standards
- Convenient Source of Water
- Flyaway Barrier – direct bees on flight path & elevation (language from Brigham City's Ordinance)

Proposed 17.37.100 – Miniature Livestock

- Miniature livestock = small goats, sheep, and pigs
- Numbers tied to minimum lot size – 10,000 sf minimum
- Only permitted in a fenced side or rear yard
- Minimum shelter/pen area per animal
- Minimum 50' setback from adjoining dwellings
- Health and Sanitation Standards – odors, rodents, insects, vermin, pests, diseases, fresh water
- No outdoor slaughtering
- Only permitted with a detached SFR in the NR-2, NR-4, NR-6, or RC

Proposed 17.37.110 – Livestock

- Standard sized livestock
- Numbers of livestock tied to minimum lot size – 20,000 sf minimum
- Only permitted in a fenced rear yard
- Minimum 50' setback from adjoining dwellings
- Minimum shelter/pen area per animal
- Health and Sanitation Standards – odors, rodents, insects, vermin, pests, diseases, fresh water
- No outdoor slaughtering
- Only permitted with a detached SFR in the NR-2, NR-4, NR-6, or RC

M. DeSimone went over the added community agriculture definitions proposed in chapter 17.62 and the proposed added uses to the charts in chapters 17.08 and 17.11.

PUBLIC: Eldon Peterson stated that this amendment is well needed. He brought up the properties that have had animals for several years.

Andrea Sinfield, owner of two small ponies, is concerned with the square footage required for small livestock. She stated that small animals do not require as much space as the proposed code is requiring. She feels like this code is taking away from residents and their right to have animals.

M. DeSimone stated that listed in the proposed code under 100.B.4 - miniature livestock requires a minimum shelter or pen area of 400 SF per animal, and large livestock under 110.B.4 require a minimum of 15,000 SF per animal.

Bryon Brunson, sheep owner, said if this code passes it will take away their lifestyle, they will not be able to continue to have their sheep. Kids should be able to raise a couple sheep in an 8x8 pen for 4-H projects. Sheep are not loud, and they are not a nuisance. There are many homes that have a side yard that is used as a pasture.

K. Housley stated that those properties that have historically been used for agriculture can apply with the city and would possibly qualify as a legally existing non-conforming use. M. DeSimone said there is also a right to farm section in the code that states that if there is an existing agriculture use that is ongoing, it can continue.

Kim Johansen said that there should be evidence and scientific reasoning behind the required space per animal. How much space does each animal need? She currently owns two miniature goats that would not be allowed on her .21-acre property. She asked about the slaughtering of animals being prohibited and what about the processing of wild game.

Jodi Lundburg said that she is concerned with side yard pastures being prohibited. She has a pasture on the side of her home and would like side yards to be added as a permitted location for livestock.

Dianna Shaffer spoke about the proposed flyaway barriers on the beehives. Typically, the barriers are only in front of the hive and extend out to the sides. The bees need airflow to help control the internal temperature of the hive, so it does not get too hot in the summer, or wet and moldy in the winter.

COMMISSION: Commissioner Heare suggested changing the wording on the beehive fly away barrier from surrounding the hive to in front of the hive. The commissioners all agreed on this change.

Commissioner Goodlander said that there should be specific land size required per animal.

K. Housley said that this is a zoning issue, the planning commission would not determine the animal's wellbeing. Zoning is a balance of interests; we are trying to balance this ordinance between those who love their agricultural animals and those that want to live free from the impact of those animals. The commissioners will determine the number they believe is the best balance between all interests.

M. DeSimone said there is a wide range of context in each neighborhood, and not everyone wants to have agricultural animals living next to them. We are trying to provide a standard that people can live with.

Commissioner Dickinson asked how many years the animals have had to be on a property to be determined a legally existing non-conforming use. K. Housley said that animals were not regulated until 2016-2018, if a residence has had animals established since then and it is an ongoing use they could be grandfathered.

There was discussion on removing side yards from the restricted areas, removing the requirement on shelter size and changing it to say that adequate shelter will be provided, Also had discussion on moving miniature horses from large livestock to the miniature livestock category, and reducing the minimum lot sizes for miniature livestock from 20,000 square feet to 10,000 square feet. Changing the number of allowed large livestock to 3, and small livestock to 4, and that turkeys should be removed from the restricted animals.

MOTION: Commissioner Heare moved to **forward a recommendation of approve** to the Municipal Council on PC 21-051 with the amended conditions and findings as listed below. Commissioner Goodlander seconded the motion.

Moved: K. Heare

Seconded: S. Goodlander

Approved: 7-0

Yea: Guth, Goodlander, Croshaw, Dickinson, Lucero, Lewis, Heare

Nay:

Abstain:

Meeting adjourned at 7:57 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of September 23, 2021.

Michael A. DeSimone
Community Development Director

Regina Dickinson
Planning Commission Chairman

Amanda Hovey
Administrative Assistant