

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 13-89**

**AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY AND TITLE  
17, THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH CREATING A  
LANDFILL OVERLAY ZONE**

WHEREAS, it is the intent of the Council to manage growth by implementing the principles of the General Plan and Land Development Code; and

WHEREAS, in accordance with the vision of the General Plan, the Council desires to make land use decision which promote enduring quality and consideration for the entire community; and

WHEREAS, the Council finds that it is important to identify those lands adjacent to the Logan City Landfill and ensure that any permitted land uses on said lands are compatible with landfill activities and impacts ; and

WHEREAS, the Council further finds that the creation of a Landfill Overlay Zone will provide adequate protection for both the City and future landowners adjacent to the landfill with respect to future landfill activities and impacts.

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 17.23: "Landfill Overlay Zone" is hereby amended as attached hereto as Exhibit A.

SECTION 2: That certain map or maps entitled "Zoning Map of Logan City, Utah" is hereby amended to include a Landfill Overlay zone on lands within ¼ mile of the Logan Landfill and as attached hereto as Exhibit B:

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, \_\_\_\_\_  
THIS DAY OF \_\_\_\_\_, 2013.

AYES:  
NAYS:  
ABSENT:

\_\_\_\_\_  
Holly Daines, 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Holly Daines, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Randy Watts, Mayor

# EXHIBIT A

## Chapter 17.23: Overlay Zones Established

### §17.23.010. Overlay Zones Established

- A. AL: Airport Limitation overlay zone, Chapter 17.24.
- B. AP: Aquifer/Wellhead Protection overlay zone, Chapter 17.25.
- C. HL: Historic Landmark overlay zone, Chapter 17.26.
- D. HD: Historic District overlay zone, Chapter 17.27.
- E. GF: Greenfield overlay zone, Chapter 17.29.
- F. H: Hospital overlay zone, Chapter 17.30.
- G. CL: Critical Lands overlay zone, Chapter 17.31.
- H. LF: Landfill overlay zone, Chapter 17.32
- HI. X: Existing lot size overlay zoning district, Chapter 17.33.

### §17.23.020. Use of Overlay Zones

#### A. Nomenclature.

An Overlay Zoning classification is appended to a base zoning district so that the lands are classified as Base Zoning District-Overlay District. As an example, property in the Neighborhood Residential Center Street-Historic District zoning district (NRCS-HD).

#### B. Multiple Overlay Districts.

Property within the City may be included in more than one Overlay District. For example, a property may be within both the Historic District and a Critical Lands area. In this case, the property would be enumerated as NRCS-HD-CL.

## Chapter 17.32: Landfill (LF) Overlay Zone

### §17.32.010. Purpose

The purpose of the Landfill (LF) Overlay Zone is to regulate future land uses adjacent to the Logan City landfill in order to protect the public health, safety and welfare.

### §17.32.020. Applicability

The Landfill (LF) Overlay zone is applicable to all properties within a ¼ mile radius of the current Logan City landfill boundaries.

### §17.32.030. Uses

The underlying base zoning shall determine what uses are permitted, conditionally approved, or prohibited within the Landfill (LF) overlay zone subject to the modifications identified in Sections 17.32.040 and Sections 17.32.050.

### §17.32.040. Permitted Uses

In addition to the allowed uses identified within the underlying zones, the following uses are also permitted in the Landfill (LF) Overlay Zone:

1. Golf courses.
2. Agricultural uses and structures.
3. Processing of agricultural products grown on-site.
4. Sales of agricultural products grown on-site.
5. General sales and service of agricultural related products, equipment or machinery.
6. Garden shop, plant sales, or nursery.

### §17.32.050. Prohibited Uses

The following uses are prohibited in the Landfill (LF) Overlay Zone:

1. Single family or multi-family residential dwellings.
2. Mobile home parks.
3. Residential occupancy or group living facilities.
4. Child or family day care, commercial day care or preschools.
5. Adult oriented business.

### §17.32.050. Design Review and Approval

Proposed development projects shall be reviewed as per the review and approval processes outlined in this Title.

# **EXHIBIT B**



## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 19, 2013  
FROM: Mike DeSimone  
SUBJECT: Land Development Code Amendment – Landfill Overlay Zone (17.32)

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### Summary of Planning Commission Proceedings

<i>Project Name:</i>	<b>Code Amendment – Landfill Overlay Zone</b>
<i>Project Address:</i>	<b>City wide</b>
<i>Request:</i>	<b>Amendment to LDC 17.32</b>
<i>Recommendation of Planning Commission:</i>	<b>Approval</b>

On October 24, 2013, the Planning Commission, by unanimous vote, recommended that the Municipal Council approve a request to amend the Land Development Code, Section 17.32, Landfill Overlay Zone.

### **Planning Commissioners, vote (6,0):**

Recommend approval: Dave Adams, Amanda Davis, Angela Fannesbeck, Russ Price, Garrett Smith, and Steve Stokes.

Recommend denial: None.

### **Attachments:**

*Staff Report*

*Ordinance 13-089*

*PC Meeting Minutes*



**Project #13-064 (Code Amendment)  
Landfill Overlay District  
Code Amendment**

**REPORT SUMMARY...**

*Project Name:* Landfill Overlay District Amendment  
*Proponent/Owner:* Community Development Department  
*Project Address:* Citywide  
*Request:* Code Amendment  
*Type of Action:* Legislative  
*Date of Hearing:* October 24, 2013  
*Submitted By:* Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendment to the Land Development Code (LDC): Section 17.32.

**REQUEST**

This proposed text amendment to the Land Development Code would create a Landfill Overlay Zone to regulate land uses adjacent to the existing landfill in order to protect the public health, safety and welfare.

**DISCUSSION**

The proposed amendment is relatively straight forward. The purpose is to ensure certain uses, primarily residential, do not locate around the landfill in order to avoid future problems. The overlay would extend a ¼ out from the landfill boundaries. The proposed language relies on the underlying zoning districts to define the acceptable uses while including specific modifiers for additional permitted and prohibited uses. The additional permitted uses are those uses that are currently not permitted in the underlying zones, yet would be compatible with the landfill.

**GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. This proposed amendment helps ensure the protection of the public's health, safety and welfare are maintained, especially with respect to residential uses. These amendments are consistent with the General Plan.

**STAFF RECOMMENDATION AND SUMMARY**

Staff finds that the proposed amendments will enable future purchasers of land within ¼ mile of the landfill to be made aware of the restrictions placed on their lands. This amendment also includes certain uses such as agriculture which would be permitted adjacent to the landfill. 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**

Public notices were published in the Herald Journal on October 10, 2013, posted on the City's website and the Utah Public Meeting website on October 15, 2013, and noticed in a quarter page ad on October 6, 2013.

### **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 Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendment establishes a new overlay zone specifically for Logan City's landfill. The overlay extends ¼ mile outward from the boundary of the landfill.
4. The proposed Code Amendment will enable current and future landowners to be made aware of the limitations or allowances placed on their lands above and beyond the base zoning.
5. The provisions of this Landfill Overlay Zone do alter the permitted or prohibited uses of the underlying base zone.
6. The provision of a Landfill Overlay Zone is consistent with the overall goals and objectives of the Logan General Plan as it seeks to ensure the public health, safety and welfare are protected.
7. No public comment has been received regarding the proposed Landfill overlay zone.

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.