

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 13-87**

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 17.43: "Home Occupations" and Chapter 17.44: "Additional Development Standards." are hereby amended as attached hereto as Exhibit A and Exhibit B, respectively:

**SECTION 2:** 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 17.43: Home Occupations

### §17.43.010. Purpose

~~In order to accommodate entrepreneurial spirit, and respect the purpose of residential areas of the City, the Municipal Council finds and declares a need to accommodate home occupations as uses accessory to residences. Many types of businesses can be conducted at home with little or no effect on the surrounding neighborhood. Businesses in the home are intended to be nonintrusive in the neighborhood. Traffic is to be generally the same as conventional homes. The businesses are to be of a compact nature that does not require accessory buildings or additions to the home. The customer traffic that may occur is to be limited and low intensity, similar to the visitors who come to homes without businesses. The regulations of this chapter are intended to permit residents to engage in home occupations while enduring that the businesses will not be a detriment to the character and livability of the surrounding neighborhood. It is the Municipal Council's purpose that home occupations remain accessory and subordinate to the permitted residential uses and that the residential viability of the dwelling unit is maintained. Home occupations are intended to be businesses that function within the residence and not business sites within which residential use becomes subordinate. The purpose of this Chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.~~

#### Explanation 17.43.010: Definitions of Home Occupations

#### §17.62 — Home Occupation

~~“Home occupation” means any activity carried out for gain or requiring a business license by a resident and which is conducted as a customary, incidental, and accessory use in the resident’s dwelling unit. A home occupation is owned and run by a resident of the dwelling in which the business takes place.~~

#### §17.62 — Home Occupation — Professional Office

~~A home occupation consisting of the office of a practitioner of a recognized profession.~~

### §17.43.020. Applicability

~~Uses identified in this chapter are allowed as home occupations only in compliance with all the requirements of this chapter. Home occupations are permitted only to be businesses owned and operated by a person for whom the dwelling is a primary residence. The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.~~

### §17.43.030. Types of Home Occupations

#### A. Family, Child, and Elder Day Care.

Day care in a home is not subject to the provisions of this chapter. It is treated as a defined use in the base zoning district.

#### B. Group Living Facilities as a Business.

~~Assisted Living Centers and Group Living Facilities~~ The following group living facilities are not considered Home Occupations; rather, they are commercial land uses within a residential district and are subject to the provisions of the base zoning district and other development standards of this Title:

- ~~1. Assisted living centers~~
  - ~~2. Group living facilities for the elderly~~
  - ~~3. Group living facilities for the developmentally disabled~~
  - ~~4. Group living facilities for the physically disabled~~
- C. Office in the Home.  
A business where an office is maintained in the home but the business activity is conducted or occurs away from the residential property, which is comprised of an office in the home, consulting services, or service activities that are managed from the home and occur away from the residential property is permitted. Client traffic with this type of business is very minimal and is regulated by the general provisions of this chapter.
- D. Outside Sales.  
Outside sales activities, such as sales of cosmetics, vacuum cleaners, and similar businesses operated with the proprietor making the transaction at another residence are permitted.
- ~~1. Within the Single Family zones (NRC, NRCS, NROC, NRE, NRW), customer traffic to the residence in excess of six customers by appointment per day or 20 per week, shall be as established in the home occupation business license.~~
  - ~~2. In the Multi Family zones (MRM, MRH, NC, CR), no customer traffic shall be permitted, except an occasional product pick up or payment.~~
- E. Demonstration Sales, Sales Parties, and Periodic Group Gathering Activities.  
Sales activities requiring a marketing effort comprised of a group gathering on a periodic basis in order to sample or display the product may be permitted as a home occupation. While the intent of this code is to accommodate such activities as a use, it is not the intent of the City to allow such activities to occur on a frequent and regular basis in a residential location. If the City receives repeated and legitimate complaints about the number of gathering activities that are commercially related, the City may impose limitations on the number of gatherings per specified time period.
- ~~F. Real Estate, Insurance, Accounting, Financial Services~~  
~~Service businesses involving customer traffic may be based within a residence, provided that the licensee generally meets customers at a location away from the residential property or at the home by appointment only or as specified in the conditional use permit.~~
- GF. Businesses for which a Business License is Not Required.  
Businesses for which a business license is not required are not regulated by the provisions of this chapter, provided that such uses do not become a public nuisance due to operational characteristics, traffic, noise, or use of hazardous or toxic materials.

#### §17.43.040. Home Occupations within Multi Family (MF) Zones and Structures

~~Multi Family zones are MRM, MRH, NC, CR, and any commercial zone in which the home occupation is proposed to take place in a residential unit. Single Family zones are NRC, NRCS, NROC, NRE, and NRW. AG is treated as a single family zone for purposes of this chapter.~~

- A. A home occupation in a multi-family attached dwelling unit~~Multi Family Attached Dwelling Unit shall meet the following:~~
1. An office in the home is a permitted use;
  2. No regular customer traffic shall be permitted;
  3. No signs shall be permitted; and;
  4. No onsite employees shall be permitted other than persons residing in the dwelling unit.

~~B. A home occupation in a single family dwelling unit located within a multi-family zone shall be regulated as if it were located in a single family zone. Single Family Dwelling Units Located Within MF Zones~~

- ~~1. A single family detached dwelling unit that is located within a Multi Family zoning district shall be treated as if it were located in a single family zoning district for purposes of this chapter when reviewing home occupation permit applications.~~
- ~~2. A single family attached dwelling unit that is located within a Multi Family zoning district may be approved for a home occupation treated as a detached single family dwelling upon approval of a home occupation permit pursuant to this chapter.~~

~~C. Single Family Attached Dwelling Units within SF Zones~~

~~A single family attached dwelling unit that is located within a Single Family (SF) zoning district may be approved for a home occupation treated as a detached single family dwelling upon approval of a home occupation permit pursuant to this chapter.~~

### §17.43.050. General Regulations

A. The Following General Regulations Apply to All Home Occupations:

1. The business area shall comply with appropriate building code and fire code requirements.
2. Within the Single Family zones, customer traffic to the residence is limited to six (6) customers by appointment per day or 20 per week. Any customer traffic in excess of six (6) customers per day or 20 per week will require the issuance of a Conditional Use Permit.
3. In the Multi Family zones, no customer traffic shall be permitted, except an occasional product pick-up or payment.
4. If there is more than one employee working within the residence, or if there are to be more than six customers by appointment per day or more than 20 per week, a Conditional Use permit shall be approved pursuant to this chapter is required.
5. If there is an employee working within the residence or if there is to be regular customer traffic by appointment, the home occupation shall comply with the Americans with Disabilities Act (ADA) under its least restrictive interpretation.
6. The home occupation shall not exceed over 25% of the gross floor area of a residence, measured prior to any expansion or remodeling planned for the home occupation.
7. If the home occupation is conducted in an attached or detached garage, the square footage of the attached or detached garage accessory building shall not exceed 25% of the square footage of the dwelling, not counting the square footage of the garage.
8. If the home occupation is conducted in a garage, off-street parking for residents of the dwelling shall be provided in conformance with the Logan Municipal Code,
9. Customer parking, if permitted by the provisions of this chapter, may be located on the street, and the business shall take steps to manage customer arrivals and departures to not impact inconvenience use of or visits to neighboring residential properties, resulting from the business' customer traffic.

**Explanation 17.43.050: Definition of Garage****§17.62 — Garage**

~~“Garage” means a structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents of the residential building and is not a separate commercial enterprise available to the general public. Note: A former garage that has been converted from an accessory building (example: the garage door has been removed or the building has been divided into rooms) is not considered a garage for purposes of this chapter.~~

**B. Public Hearings**

~~A public hearing and conditional use permit shall be required for a home occupation that has more than one employee based at the residence or requires customer traffic by appointment in excess of six persons per day or twenty persons per week.~~

**§17.43.060. Home Occupation ~~Review and Licensing~~ Business License****A. Home Occupations ~~Reviewed Administratively.~~ Business License for Permitted Uses**

If the home occupation has no more than one non-resident employee working in the residence, and will not exceed customer traffic thresholds, the home occupation may be permitted administratively. ~~Division of Planning and Zoning shall issue approval of the Home Occupation.~~

**B. Home Occupations for which a Conditional Use Permit is Required.**

A Conditional Use Permit is required ~~public hearing before the Planning Commission for approval of a conditional use permit shall be required~~ for any home occupation which meets the following thresholds:

1. The home occupation will have more than one non-resident employee based at the residence, not to exceed three non-resident employees;
2. The home occupation will have customer traffic by appointment in excess of six persons per day or twenty per week not to exceed ten per day or thirty per week;
3. The home occupation has use characteristics that substantially fit the provisions of this ~~chapter~~ Chapter, but are found by the Director ~~of Community Development~~ to have the potential to affect neighboring residents.
4. The home occupation will exceed the 25% size threshold allowance; or
5. Is a business This provision allows a business to be considered by the Planning Commission if it that does not clearly qualify as a home occupation and cannot be that can be approved at the staff level by the Director ~~of Community Development~~.

**C. Conditional Use Permit Application, Hearing, and Notice.**

A home occupation requiring a Conditional Use Permit shall follow the ~~for which a public hearing is required shall apply for a conditional use permit using the~~ provisions of e ~~C~~ chapters 17.46 and 17.49.

**§17.43.070. Uses Not Identified**

The regulations of this chapter establish performance standards for home occupations. Uses that comply with all of the standards of this chapter may be permitted as home occupations unless specifically prohibited in this Title.

**§17.43.080. Prohibited Uses and Operational Characteristics****A. Walk-in, Impulse, or Drop-in Customer Traffic.**

Any business which requires walk-in, unrestricted, or impulse customer traffic to regularly go the residence in order for the business to financially succeed shall be

prohibited as a home occupation, with the exception of seasonal businesses identified in §17.43.160.

B. Customer Traffic by Appointment.

The ~~decision making authority~~ ~~Planning Commission~~ may impose limitations on the number of customer appointments per day ~~based on the basis of~~ available parking, street access, home business location, or other site specific factors.

C. Vehicle and Large Equipment Repair.

Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to a vehicle and/or its parts is prohibited.

D. Dispatch Centers.

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

E. Animal Treatment, Training, Care, or Boarding Facilities.

~~Any business requiring more than one customer at a time to bring an animal to the residential property in which the business is located is prohibited.~~ Animal treatment, training, or boarding facilities shall not be permitted as home occupations. This includes animal training singly or in groups, animal hospitals, kennels, stables and all other types of animal boarding facilities. A business that is exclusively animal grooming is not subject to the provisions of this subsection.

**§17.43.090. Signs**

Signs are limited to a single sign, not larger than two square feet, ~~and shall be~~ ~~which is~~ mounted on the building. No sign shall be illuminated. No banners, window signs, posters, flags, exterior lighting or other attention getting devices shall be permitted. Signs shall not be painted in or on windows, and shall not be mounted in a window. Signs shall not be freestanding. No signs are permitted in the Multi Family ~~(MF)~~ zoning districts.

**§17.43.100. Business Licenses**

Business licenses shall be required for home occupations in conformance with the provisions and penalties of the Logan Municipal Code.

**§17.43.110. Exterior Appearance**

There shall be no change in the exterior appearance of the dwelling unit in which the home occupation is located or the site upon which the business is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving required setbacks, or adding commercial exterior lighting. There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except for the sign permitted by this chapter. Exterior storage or display of goods or equipment is prohibited, except for seasonal businesses as permitted in §17.43.160.

**§17.43.120. Operational Impacts**

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Hazardous substances may be subject to additional restrictions based on proposed quantities, available storage, use, or disposal. No exterior storage shall be permitted, although storage may

occur in an accessory building, provided that the accessory building shall not be larger than 25% of the residence footprint, not including garage.

**§17.43.130. Trucks and Vehicles**

No truck larger than a passenger two-ton pick-up truck or van may be parked overnight at the site of a home occupation. The ~~decision making authority~~ Planning Commission may issue a conditional use permit, or the Director of Community Development may impose limitations of the parking of fleet vehicles at a residential lot when a home occupation permit has been issued. The intent of this section is that while recognizing that some businesses may own, lease, or operate more than one vehicle, the residential site shall not become the parking lot and storage area for the business.

**§17.43.140. Deliveries**

Vehicles used for delivery and pickup are limited to those normally servicing residential neighborhoods. A home occupation shall not require more than two trips per week by a commercial tractor-trailer vehicle.

**§17.43.150. Home Occupations Performance Standards**

**A. Retail Sales.**

Retail sales of goods may be conditionally permitted in residential properties if the business can function without requiring “drop-in” or unscheduled customer traffic. A business license may be permitted for a home occupation if the business operates in such a manner that sales orders are placed or transactions generated at the subject property, but customer delivery or pickup occurs elsewhere. An example of this would be a business such as Amway, Avon, or Mary Kay Cosmetics, where customers call the representative to order from a catalog and the representative typically delivers the merchandise to the customer at the customer’s home. The Director or the Planning Commission may impose conditions to limit the number or customer visits to the business.

**B. Home Occupations and Residential Additions and Accessory Buildings.**

1. A home occupation shall not be permitted in an accessory building, unless located in an existing garage, provided that the area dedicated to the home business is not greater than 25% of the floor area of the house, exclusive of the square footage of the garage.
2. An addition to a residence for the purpose of accommodating a home business shall not be permitted.

**§17.43.160. Seasonal Retail Sales**

**A. Christmas Tree Sales from Residential Dwellings.**

Residents of single family dwellings shall be permitted to sell Christmas trees from the property upon which the single family dwelling is located from November 21 through December 25 of a calendar year, ~~shall obtain a~~ business license shall be obtained in conformance with the requirements for licensing seasonal businesses, and shall comply with the following:

1. Trees shall be located entirely on private property and shall not be displayed within the public right-of-way;
2. Signs shall be a maximum of four feet by four feet single sided and ~~Signs~~ shall be displayed on private property where the trees are being sold;
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, or electric power poles;

4. No ~~off-premise signs are permitted; signs shall be located off of the property on which the trees are being sold;~~
  5. Signs shall be removed from the yard when the trees are not being offered for sale;
  6. No banners, flags, ~~or pennants for the tree sales~~ shall be permitted. This restriction does not apply to ~~the~~ regular Christmas lights as may be displayed on the property;
  7. Hours of operation of the business shall not exceed 9:00 a.m. until 9:00 p.m.; ~~and;~~
  8. All Christmas trees shall be removed from the property by December 31 of the calendar year in which the sales of the trees were initiated.
- B. Other Seasonal Sales.
- Seasonal sales of items from residential property, such as fruits and vegetables, crafts, or other items grown or created on the property are permitted for a period of time not to exceed six weeks in a calendar year when sales are of a level to require a business license. Seasonal sale items are subject to the provisions of this chapter and the following:
1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
  2. Signs shall be a maximum of two feet by two feet single sided. Signs shall be displayed on private property where the produce or crafts are being sold;
  3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, ~~orelectric~~ power poles;
  4. No ~~off-premise signs are permitted; signs shall be located off of the property on which the produce or product are being sold;~~
  5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
  6. No banners, flags, ~~or pennants for the sales~~ shall be permitted;
  7. Hours of operation of the business shall not exceed the hours 9:00 a.m. until 9:00 p.m.; ~~and~~
  8. All produce or products offered for sale shall be removed at the end of the sales period.
- C. Seasonal Items for which a Business License is Not Required.
- There are no restrictions on the sales of items from a residence when a business license is not required, provided that there is compliance with the following:
1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
  2. Signs shall be a maximum of two square feet. Signs shall be displayed in conformance with the provisions of this chapter.
  3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, ~~orelectric~~ power poles;
  4. No ~~off-premise signs are permitted; signs shall be located off of the property on which the produce or product are being sold;~~
  5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
  6. No banners, flags, ~~or pennants for the sales~~ shall be permitted; ~~and~~
  7. Hours of operation of the business shall be from 9:00 a.m. until 7:00 p.m.

# EXHIBIT B

## Chapter 17.44: Additional Development Standards

### §17.44.010. Purpose

This chapter is intended to provide development standards for specific categories of land uses for which conventional development standards of this Title need to be supplemented.

### 17.44.020. Self Storage (~~see 17.08.070 and 17.17.030~~)

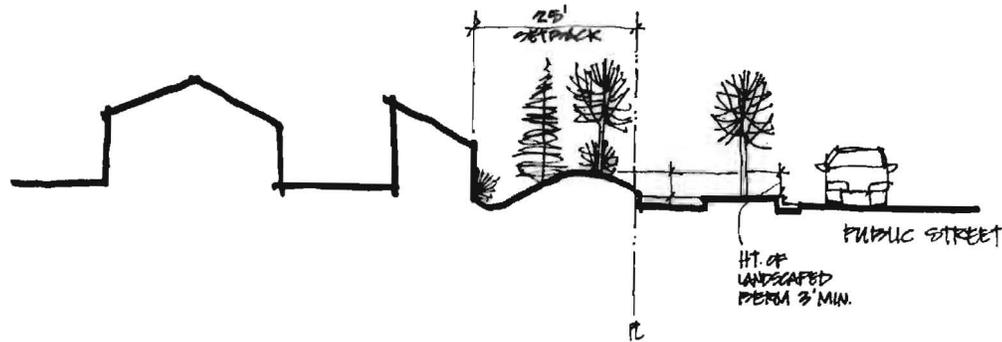
#### A. Purpose.

The additional requirements for Self Storage uses are intended to ensure that this type of project form of storage unit project is developed to reduce adverse consequences on surrounding properties and requires that the long-term appearance of storage units is maintained.

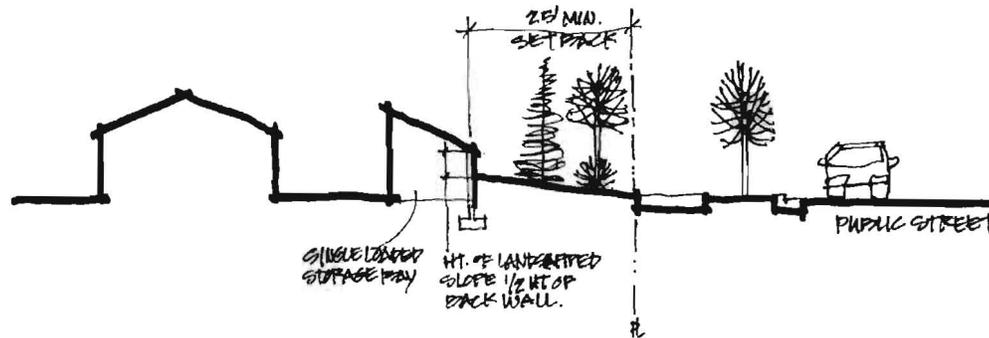
#### B. Standards.

The following additional development standards are required for Self Storage developments:

- ~~1. All other development standards as required in Title 17.~~
- ~~2. Specific requirements of the zone where proposed to be located and where allowed.~~
- ~~3.1.~~ Standard screening and setback requirements shall be increased by 100%. Storage of any kind is prohibited in required setbacks.
- ~~4.2.~~ All outside storage shall be located at the rear of the property, completely screened from public view by a solid screen fence approved through a design review permit.
- ~~5.3.~~ Storage units adjacent to any public roadway shall be single loaded with the back of the units facing the street and doorways of the units facing inward toward other storage units.
- ~~6.4.~~ Front yard setbacks shall be landscaped and screened with a combination of deciduous and coniferous trees and shrubs to cause at least a 50% screen within 5 years. Trees must be planted at 2½" caliper ~~while~~ and shrubs must be planted with at least 5 gallon nursery stock.
- ~~7.5.~~ All side yard and rear yard setbacks shall be landscaped and screened with a combination of deciduous and coniferous trees and shrubs to cause at least a 25% screen within 5 years. Trees must be planted at 1½" caliper ~~while~~ and shrubs must be planted with at least 1 gallon nursery stock.
- ~~8. Building design and must meet all requirements of 17.18.010, 17.18.080, and 17~~
- ~~9.6.~~ All setbacks are required to be irrigated by an automatic sprinkler irrigation system.
- ~~10.7.~~ The developer shall landscape and grade the street facing frontage using one of the following options:



STORAGE RAY STANDARD  
OPTION A



STORAGE RAY STANDARD  
OPTION B

**§17.44.030. Adult-Oriented Businesses**

**A. Purpose.**

The purpose of this section is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. The ~~e~~Chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

**B. Location of Businesses – Restrictions.**

1. Adult oriented business shall be conditionally permitted in the Industrial-~~(IND)~~ Zoning district-District subject to the provisions of this ~~e~~chapterChapter.
2. No adult-oriented business shall be located:
  - a. Within 1,000 feet of any school, public park, library, or religious institution;<sub>i</sub>
  - b. Within 1,000 feet of any residential use (no matter which zoning district) or residential zoning boundary;<sub>i</sub>
  - c. Within 600 feet of any other adult-oriented business;<sub>i</sub> and

17.44: ~~Reserved~~ Additional Development Standards

- d. Within 600 feet of any gateway or gateway corridor as identified in this Title and the General Plan. The distance shall be measured from the edge of the right-of-way.
  3. Distance requirements between structures and uses specified in this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the perimeter property boundaries of the school, public park, religious or cultural activity, residential use, or other adult-oriented business, or from the edge of right-of-way of a gateway to the structure of the adult-oriented business.
  4. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the adult-oriented business structure.
- C. Effect on Non-Conforming Businesses.
- All lawfully established, legally existing, non-conforming adult-oriented businesses, shall comply with the provisions of this chapter by December 31, ~~1998~~ 2014, except in the case in which a business is required to be relocated. In such cases where relocation is required for conformance with this section, the business shall have complied ~~by~~ December 31, 2015~~00~~.
- D. Signs.
- Notwithstanding Chapter 17.40, S signs for adult-oriented businesses shall be subject to the following standards: limitations of this section regardless of standards within Chapter 17.40 of the Logan Municipal Code.
1. No more than one exterior building-mounted sign shall be permitted;;
  2. No sign shall exceed 18 square feet in total sign area;;
  3. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises;;
  4. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be permitted on any sign. Signs shall contain alphanumeric copy only;;
  5. Only flat wall signs shall be permitted and; awnings shall be permitted only to display the street number in letters or numbers no greater than eight inches in height;;
  6. Painted wall advertising shall not be allowed; and;
  7. Other than the signs specifically allowed by this ~~chapter~~ Chapter, the adult-oriented business shall not attach, construct, or allow to be attached or constructed, any temporary sign, banner, light, or other device designed to draw attention to the business location.

**§17.44.040. The Right To Farm**

- A. Findings.
1. As Logan grows, the City will begin to annex land area that is currently in agricultural production.
  2. The City still has agricultural uses within its existing boundaries.
  3. The City recognizes that the owners of these farms have certain rights for the agricultural uses to continue.
  4. Protecting the rights of agricultural uses to continue is important in order to avoid the conflict between long-standing agribusinesses and newly settled homeowners.
- B. Right To Farm Standards.
1. The right of a farm to continue with accepted agricultural practices for purposes of commercial farming, ranching, or crop production shall be a permitted use.

17.44: ~~Reserved~~ Additional Development Standards

2. To be protected with the “right to farm,” agricultural uses shall operate within the provisions of the law related to the use of pesticides and operations of equipment.
  3. When the City approves urban development ~~adjacent~~ ~~to~~ ~~adjoining~~ agricultural uses, the urban project shall be required to ensure that its future buyers, tenants, or occupants recognize that the right of a farm to continue is a City policy.
- C. Protective Standards.
- When urban development is considered ~~adjacent~~ ~~to~~ ~~adjoining~~ existing agricultural uses, the City shall not impose regulations that will interfere with accepted farm operations, including:
1. Hours of operations. ~~—~~The City shall not limit the hours of operations or days of use;
  2. Noise standards. ~~—~~Noise abatement or modification requirements shall be conditions of the urban land use and not preexisting agricultural uses.
  3. Storage of working equipment. ~~—~~No limitations shall be imposed on equipment that is used in the operations of an existing farm or ranch, except that equipment that is abandoned or stored shall be kept in a safe and orderly manner.
- D. Mediation and Assistance in Determining Compliance.
- In the event that any person forwards a ~~complaint~~ ~~argument~~ that an agricultural operation protected by the provisions of this section is not utilizing accepted agricultural practices in its operations, the City shall utilize the resources available from the Utah State University College of Agriculture in determining the acceptable standards for the practices.

**§17.44.050. Structure Relocation**

- A. ~~General~~ No building or structure shall be moved into, nor relocated within the City, unless such building or structure and proposed foundation are in compliance with current building codes, land development code, and all other pertinent City ordinances. ~~The relocation of mobile homes, demountable structures, manufactured buildings, and similar movable structures shall also be subject to the requirements of this section, except the requirements of this provision shall not apply to the moving of mobile homes into a mobile home park.~~
- B. Permits Required.
1. No person, firm or corporation shall move ~~into~~ or relocate within the City any building or structure without first obtaining ~~all appropriate permits, a building permit and a conditional use permit.~~ Permits shall be required prior to relocation. ~~A site investigation will be required whenever the Chief Building Official deems appropriate.~~
  2. Failure to comply with the requirements of this chapter shall require that the relocated structure or building be relocated to a site ~~allowed and~~ intended for ~~the~~ storage of building materials, or it shall be moved outside of City jurisdiction. In addition, failure to comply with any of the requirements of this chapter shall be subject to the enforcement provisions of ~~this Title and the~~ Municipal code.
- ~~C. Investigation~~
1. ~~Prior to the issuance of a Conditional Use Permit for the relocation of a building or structure, the Chief Building Official shall investigate any buildings or structures to be relocated and the property for relocation in order to determine whether a permit shall be granted. The Director of Community Development shall specify conditions that shall accompany the permit. Conditions may apply to the vacated site, the moving operation, and the permanent lot.~~

17.44: ~~Reserved~~ Additional Development Standards

~~2. Investigation of the building or structure to be relocated shall include the review of complete site and building plans showing compliance with all current codes regulating construction. The plans must include complete structural, electrical, plumbing, and mechanical drawings with a detailed scope of work to be performed with the relocation. The approved plans shall be included in the conditions of the building permit.~~

**DC.** Standard Conditions of Relocation.

1. No building or structure shall be moved into nor relocated within the City that is **considered** dangerous or unsafe, or which is infested, dilapidated, defective, or in such a condition of deterioration or disrepair that its relocation at the proposed site would be materially detrimental to the property in ~~the district or~~ area surrounding the proposed site. The **Chief** Building Official may place such conditions as deemed necessary to protect the public health, safety or welfare on any proposed relocation of a building or structure.;
2. All footings and foundations on the site to which the building or structure is to be relocated shall be inspected, approved, and installed prior to removal of the building or structure from its original site.;
3. All relocated structures shall be permanently affixed to a new foundation within 45 days of approval of the foundation. Prior to the release of the permit, the applicant may request, in writing, an extension of the 45-day time, subject to approval by the Director ~~of Community Development~~. All relocated structures shall comply with all applicable regulations and conditions within six months of the date of the permit issuance unless otherwise approved and extended in writing by the Director ~~of Community Development~~.;
4. All relocated buildings or structures, whether permanently affixed to a new foundation or not, and all buildings or structures to be relocated, shall be maintained in a safe, secure condition. This will require certification by a licensed structural engineer that the structure is sound enough to be moved and relocated. The structural engineer must include drawings and specifications to support structural analysis for moving and relocation at the proposed site. ~~The chief building Official may require a structural peer review to substantiate findings of the structural engineer.~~
5. At the proposed site, all landscaping, walkways, masonry work, or required dedications and improvements for streets and facilities and building shall be provided in conformity with the standards of the City. At the vacated site, restoration and improvements shall be required as deemed necessary by the **City Chief Building Official**.
6. A bond or other assurance shall be posted as a guarantee that the building and grounds will be improved, as stipulated, before the building is occupied. The bond or other assurance shall include costs for the vacated site to be restored to a safe and sightly condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvements to the buildings and premises as required.
7. The applicant shall pay all cost incurred by the City for materials, labor, equipment and machinery, and other incidental costs directly related to the move. The permit holder shall also be responsible for the cost to repair all damages caused by the move to streets, bridges, sidewalks, trees and landscape, utilities, and other property.

**ED.** Storage of Relocated Structures or Buildings.

Storage of a relocated structure ~~or~~ at a location other than the vacated or permanent site, shall only occur at a site allowed and intended for storage of building materials. When

17.44: ~~Reserved~~ Additional Development Standards

a building or structure is relocated at a site allowed and intended for storage of building materials, the following requirements shall apply:

1. Application for, fees for, and construction of any foundation work or any improvements is not required until such time as the building is ready to be relocated from the yard. The foundation permit must be released and the foundation inspected, approved, and installed prior to removal of the building from the yard; ~~and~~
2. If relocated structures are to be stored for a period exceeding 30 days, they shall be in compliance with setback requirements as set forth in the Land Development Code; ~~and~~
3. All structures shall be securely blocked to maintain structural integrity and to resist wind forces; ~~and~~
4. ~~In addition, a~~ Any stored structure shall be located in a secure fenced yard; ~~in compliance with 17.36.290.~~

## F. Findings of Fact

A building permit for the relocation of a building or structure granted to the applicant shall be substantiated by the ~~finding of §17.49.050. The~~ following ~~additional~~ findings; ~~shall be determined:~~

1. The building or structure will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved; ~~and~~
2. The building or structure is in conformity with the quality of buildings existing in the area of the proposed site.

## G. Existing Relocated Structures

Buildings or structures that have been removed from their original location and that have not been relocated to a permanent site on a permanent foundation prior to the adoption of this ~~Title, ordinance~~ shall comply with the regulations of this ~~chapter~~ Chapter within 45 days. Failure to comply with the requirements of this section may result in additional fees being levied or initiation of enforcement procedures provided in the Municipal Code. ~~Once application has been made for a conditional use permit, the Director of Community Development may grant a one-time, 6-month extension of time when the following findings can be substantiated:~~

1. ~~The proponent's initiation of relocation and permitting activities is limited by the City or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.~~
2. ~~The proponent has made a good faith effort to initiate the project by systematically completing pre-relocation conditions to the satisfaction of the responsible agency or department.~~
3. ~~Circumstances, other than approval of financing, beyond the control of the permit holder has prevented initiation of the project.~~

H. ~~License Required~~

~~It is unlawful to engage in the business of house moving, raising, or shoring without first having obtained a business license therefore.~~

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## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 19, 2013  
FROM: Mike DeSimone  
SUBJECT: Land Development Code Amendment – Home Occupations (17.43) & Additional Development Standards (17.44)

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### Summary of Planning Commission Proceedings

<i>Project Name:</i>	<b>Code Amendment – Home Occupations &amp; Additional Development Standards</b>
<i>Project Address:</i>	<b>City wide</b>
<i>Request:</i>	<b>Amendment to LDC 17.43 &amp; 17.44</b>
<i>Recommendation of Planning Commission:</i>	<b>Approval</b>

On October 10, 2013, the Planning Commission, by unanimous vote, recommended that the Municipal Council approve a request to amend the Land Development Code, Section 17.43, Home Occupations and Section 17.44, Additional Development Standards.

### **Planning Commissioners, vote (5,0):**

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

Recommend denial: None.

### **Attachments:**

*Staff Report*  
*Ordinance 13-087*  
*PC Meeting Minutes*



**Project #13-060  
Home Occupations (17.43)  
Additional Development Standards (17.44)  
Code Amendment**

**REPORT SUMMARY...**

*Project Name:* Home Occupation & Add. Dev. Standards Amendment  
*Proponent/Owner:* Community Development Department  
*Project Address:* Citywide  
*Request:* Code Amendment  
*Type of Action:* Legislative  
*Date of Hearing:* October 5, 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 17.43 & 17.44.

**REQUEST**

This proposed text amendment to the Land Development Code amends the Home Occupation Standards contained in Chapter 17.43 and the Additional Development Standards contained in Chapter 17.44. This amendment is generally clean-up work.

The changes in Chapter 17.43 are as follows:

**§17.43.010 Purpose**

Eliminated language and streamlined purpose statement. Eliminated the definition component.

**§17.43.020 Applicability**

Clarified wording.

**§17.43.030 Types of Home Occupations**

Moved wording around and attempted to clarify the “office in the home” category.

**§17.43.040 Home Occupations within Multi-Family Zones**

Clarified home occupations in the multi-family zones in both a multi-family structure and a single family dwelling within a multi-family zone.

**§17.43.050 General Regulations**

Moved reference to customer traffic here from previous section and eliminated definition of a garage.

**§17.43.060 Home Occupation Review and Licensing**

Clarified review process.

**§17.43.070 – 160**

Minor wording changes

The changes in Chapter 17.44 are generally just wording to clarify intent and process.

## **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. This proposed amendment clarifies language and application within both the Home Occupations section and the Additional Development Standards section. The proposed amendment is consistent with the General Plan.

## **STAFF RECOMMENDATION AND SUMMARY**

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

## **PUBLIC COMMENTS**

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

## **PUBLIC NOTIFICATION**

Public notices were published in the Herald Journal on September 26, 2013, posted on the City's website and the Utah Public Meeting website on September 26, 2013, and noticed in a quarter page ad on September 22, 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 Amendments are generally administrative in nature as they remove redundant language, clarify intent and application, and streamline the overall section.
4. The provision of the Home Occupations regulations is consistent with the overall goals and objectives of the Logan General Plan.
5. The provisions of the Additional Development Standards is consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

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



# TEXT AMENDMENT & ZONE CHANGE

**PUBLIC  
HEARING  
PLANNING COMMISSION  
THURSDAY  
October 10, 2013  
5:30 PM  
MUNICIPAL COUNCIL CHAMBERS  
LOGAN CITY OFFICES  
290 North 100 West**

The Logan City Planning Commission will hold a public hearing to receive input on the following:

**PC 13-059 LDC Amendment – 17.31 Critical Lands Overlay**. Code Amendment. Logan City requests an amendment to the Land Development Code clarifying the critical lands overlay zone. 13-86

**PC 13-060 LDC Amendment – 17.43 & 17.44**. Code Amendment. Logan City requests an amendment to the Land Development Code to clarify home occupation standards and additional development standards. 13-87

The Municipal Council is tentatively scheduled to hold a **workshop** on **Tuesday, November 5, 2013**, and a **public hearing** on **Tuesday, November 19, 2013**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or [www.loganutah.org](http://www.loganutah.org)