CITY OF LOGAN,
ORDINANCE NO. 04-25

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989, CHAPTER 17.17
"ECONOMIC DEVELOPMENT ZONING DISTRICT USES"

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

in Economic Development Districts," is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
<th>Economic Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>CN</td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Group Living</td>
<td>Residential occupancy of a structure by a group of people who do not meet the definition of Household Living</td>
<td>No</td>
</tr>
<tr>
<td>Refer to §17.07.010</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Household Living</td>
<td>Residential occupancy of a dwelling unit by a family</td>
<td>C47</td>
</tr>
<tr>
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<td></td>
<td>No</td>
</tr>
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</table>

47 For new construction or renovation, conditionally permitted only when the floor space adjacent to the street or front of the building is comprised of commercial uses, and residential is limited to space adjacent or within a building or project. New household living (including the addition of dwelling units) is conditionally permitted only when the floor space adjacent to the street or front of the building is comprised of commercial uses; the residential use is limited to space within the building or internal to the project. Renovation of existing residential properties does not require a Conditional Use Permit so long as the number of residential unit(s) does not increase beyond the number that currently exists.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 20th DAY OF
APRIL, 2004, by the following vote:
AYES: Neidham, Afer, Taylor, Swenson, Thompson
NAYS: None
ABSENT: None

Stephen C. Thompson, Chairman

ATTEST:
Lois Price, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 26th day of April, 2004.

Stephen C. Thompson, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 26th day of April, 2004.

Douglas E. Thompson, Mayor
Summary of Planning Commission Proceedings

On March 11, 2004 the Planning Commission unanimously recommended approval for an amendment to the Land Development Code Chapter 17.17.020 footnote 47, to the Municipal Council. The proposed code amendment would allow renovation and remodeling of existing residential dwelling units in both the Commercial Central and Commercial Neighborhood zoning districts, without requiring that the homeowner add commercial floor space to the residential unit, so long as no additional residential units are added.

Staff recommends that the Municipal Council Amend the Land Development Code Chapter 17.17.020 footnote 47 as shown below. Added language is highlighted. Deleted language is struck.

### Economic Zoning Districts

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<thead>
<tr>
<th>Category</th>
<th>Definition (Excerpt and Examples)</th>
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<td>No</td>
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<tr>
<td>Refer to §17.07.010</td>
<td>Assisted Living Center</td>
<td>No</td>
<td>C</td>
<td>C</td>
<td>No</td>
<td>No</td>
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Attachments:
Staff Report to the Planning Commission for the March 11, 2004 meeting
Planning Commission Minutes of the March 11, 2004 Meeting
PC Docket #04-019
Amendment to the Land Development Code Section 17.17.020: Primary Uses Allowed in Economic Development Districts

REPORT SUMMARY...
Project: Proposed text change to the Land Development Code §17.17.020.
Proponent: Logan City, Department of Community Development
Type of Action: Legislative
Staff Recommendation: Recommend approval of the proposed change to §17.17.020, of the Land Development Code to the Municipal Council.

PROJECT
Chapter 17.17: Economic Development Zoning District Uses establishes the primary uses allowed in the Economic Zoning Districts (CN, CG, CC, EC, and IND). In May of 2001, the Municipal Council adopted this section of code as recommended by the Planning Commission. Staff is recommending an amendment to footnote 47 in section 17.17.020. The footnote currently reads “For new construction or renovation, conditionally permitted only when the floor space adjacent to the street or front of the building is comprised of commercial uses, and residential is limited to space adjacent or within a building or project.” This footnote applies to properties used for residential purposes in both the Commercial Neighborhood (CN) and Commercial Central (CC) zoning districts. Staff believes the original intent of the footnote was to ensure that the properties that are zoned commercial are not used exclusively for multi-family development in order to preserve employment centers and revenue generating sales.

Staff is recommending that the footnote be amended in order to allow existing residential properties (both single and multi-family) the ability to do renovations and new construction, which does not add any additional units to the property. This amendment is necessary to remove barriers to continued investment in the residential structures that are located in commercial zones rather than allowing the properties to deteriorate because the property is too small or because market conditions do not permit commercial development.

AGENCY AND DEPARTMENTAL COMMENTS
No departmental comments were received for this project.

PUBLIC COMMENTS
A newspaper advertisement was published as public notice for the proposed amendment to the Land Development Code. No comments were received by the Department of Community Development as of the date this staff report was published.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend that the Municipal Council amend Land Development Code section §17.17.020, Footnote 47, as shown below. Added language is highlighted. Deleted language is struck.
Residential Uses

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RECOMMENDED FINDINGS
The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the Planning Commission.

2. The proposed changes to the Land Development Code are consistent with the Land Development Code.

3. The proposed changes to the Land Development Code will enable the Planning Department to fulfill its obligations and make land use decisions that are consistent with the General Plan and the Land Development Code.

4. The proposed changes to the Land Development Code will prevent unnecessary delays encountered by the public during project permitting and construction.

Respectfully submitted,

Michelle N. Mechem
Planner II
Staff report published: March 3, 2004
6. Park Avenue, the street providing access and other infrastructure to the subject property, has adequate capacities, or a suitable level of service, for the proposed use.

7. The maximum density in the SFR zoning district has not been exceeded.

8. The design is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

9. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications.

10. The proposed design results in adequate off-street parking in conformance with this Title.

11. The project provides recreation areas, usable and passive open space, landscaping, and vegetation in conformance with the General Plan and the PD zoning ordinance.

12. The design of the project and its site conform to the adopted Design Review Guidelines.

[Moved: Mr. Robison. Seconded: Mr. Moman. Passed: 5 - 0]
Yea: R. Robison, G. Kartchner, G. Wickwar, P. Morgan, B. Morgan
Nay: Abstain:

04-019 Land Development Code §17.17. City of Logan, applicant/owner, requests a text change to the Logan City Land Development Code Chapter 17.17: Economic Development Zoning District Uses. The proposed amendment would modify section 17.17.020 and would allow renovation of existing residential uses in the commercial zoning districts without requiring commercial floor space.

STAFF: Staff reviewed the report as written.

A discussion took place regarding different variables and uses.

PUBLIC: Councilman Steve Taylor asked about new units in commercial districts.

MOTION: Moved to recommend the project to the Municipal Council.

RECOMMENDED FINDINGS
1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the Planning Commission.

2. The proposed changes to the Land Development Code are consistent with the Land Development Code.

3. The proposed changes to the Land Development Code will enable the Planning Department to fulfill its obligations and make land use decisions that are consistent with the General Plan and the Land Development Code.

4. The proposed changes to the Land Development Code will prevent unnecessary delays encountered by the public during project permitting and construction.

[Moved: Mr. Kartchner. Seconded: Ms. Wickwar. Passed: 5 - 0]
Yea: R. Robison, G. Kartchner, G. Wickwar, P. Morgan, B. Morgan
Nay: Abstain:
NOTICE OF PUBLIC HEARING
FOR PURPOSES OF AMENDING THE LAND DEVELOPMENT CODE

The Logan Municipal Council will hold a public hearing to consider the following:

Section 17.17.020. Primary Uses in Economic Development Zoning District Uses. The proposed code amendment would modify 17.17.020 and allow renovation of existing residential uses in the commercial zoning districts without requiring commercial floor space.

Public hearing will be held before the Logan Municipal Council on Tuesday, April 20, 2004, not before 6:15 p.m., in the Council Chambers at 255 North Main Street, Logan, Utah. Interested citizens are invited to attend.

Lois Price, Recorder

Publication Date: April 7, 2004
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 26th day of April, A.D. 2004, personally appeared before me Rachelle S. Thomas, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

a copy of which is hereto attached, was published in said newspaper for One (1) issue, commencing April 26, 2004 and ending April 26, 2004.

Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year above written.

Signed

My Commission expires September 7, 2007

LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

SUMMARY OF AN ORDINANCE amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council is as follows:

ORD. 04-25. An ordinance amending the Land Development Code of the City of Logan, Utah, was passed and approved April 20, 2004, amending Section 17.17, Economic Development Zoning District Uses. The amendment modifies Section 17.17.020, Primary Uses in Economic Development Zoning Districts, Footnote 47, to allow renovation and remodeling of existing residential dwelling units in both the Commercial Central and Commercial Neighborhood zoning districts, without requiring that the homeowner add commercial floor space to the residential unit, so long as no additional residential units are added.

This ordinance is effective immediately upon publication. Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, during regular business hours.

Lois Price, Recorder
Publication Date: April 26, 2004