CITY OF LOGAN,
ORDINANCE NO. 04-32

AN ORDINANCE REPEALING LOGAN MUNICIPAL CODE, 1989, CHAPTER 17.42 "ACCESSORY DWELLING UNITS" AND AMENDING CHAPTERS 17.07 "RESIDENTIAL USE CATEGORIES" 17.13 "RESIDENTIAL ZONING DISTRICTS" 17.14 "RESIDENTIAL ZONING DISTRICT USES" AND 17.39 "LANDSCAPING"

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, THAT THE LOGAN MUNICIPAL CODE, 1989, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1: Chapter 17.42, "Accessory Dwelling Units," is hereby repealed.

SECTION 2: Chapter 17.07, "Residential Use Categories," is hereby amended as hereinafter set forth.

SECTION 3: Chapter 17.13, "Residential Zoning Districts," is hereby amended as hereinafter set forth.

SECTION 4: Chapter 17.14, "Residential Zoning District Uses," is hereby amended as hereinafter set forth.

SECTION 5: Chapter 17.39, "Landscaping," is hereby amended as hereinafter set forth.

SECTION 6: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 14th DAY OF May, 2004, by the following vote:

AYES: Hooch, Swanson, Peter J. Thompson

NAYS: None

ABSENT: None

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 14th day of May, 2004.

Stephen C. Thompson, Chairman
MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this __ day of __, 2004.

[Signature]
Douglas E. Thompson, Mayor
Proposed Changes to Chapter 17.07: Residential Use Categories

§17.07.020. Household Living

A. Characteristics
Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Sales and Service and Community Service categories).

B. Accessory Uses
Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies and parking of the occupants' vehicles; garage or carport; storage buildings of not more than 500 square feet; accessory buildings for home hobbies; and vegetable gardens. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations.

C. Examples
Uses include living in houses, duplexes, triplexes, fourplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units.

D. Exceptions
Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Sales and Service category.

Proposed Changes to Chapter 17.13: Residential Zoning Districts

§17.13.040. SFL, Single-Family Low Density District
C. Site development considerations
1. Design review: Required for planned developments, subdivisions, and for individual residences above the visual sensitivity area established in the Land Use Element.
2. Onsite Usable Open Space: In conjunction with planned development standards there shall be at least 1,386 square feet of usable open space on each lot or as a part of overall open space requirements as adopted in design review of the project. In the SFL zoning district, there is no reduction for additional units.
3. Accessory dwellings: Requires a public hearing and issuance of a conditional use permit (Refer to Chapter 17.49). Special regulations apply (Refer to Chapter 17.42).

§17.13.050. SFT, Single-Family Traditional District
C. Site development considerations
1. Onsite Usable Open Space: In conjunction with planned development standards, there shall be at least 1,386 square feet of usable open space on each lot or as a part of overall open space requirements as adopted in design review of the project. In the SFT zoning district, there is no reduction for additional units.
2. Design review: Required for planned developments and subdivisions, but not for individual residences unless located within the Visual Sensitive Area.
3. Accessory dwellings: Requires a public hearing and issuance of a conditional use permit (Refer to Chapter 17.49). Special regulations apply (Refer to Chapter 17.42).

§17.13.060. SFR, Single-Family Residential District
C. Site development considerations
1. Onsite Usable Open Space:
Single family dwellings, detached: 1,386 square feet of usable open space for each dwelling.

2. Design review: Required for planned developments, subdivisions, and in-fill, but not for other individual residences, unless located within the Visual Sensitive Area.

3. Accessory dwellings: Requires a public hearing and issuance of a conditional use permit (Refer to Chapter 17.49). Special regulations apply (Refer to Chapter 17.42).

§17.13.070. MFM, Multi-Family Medium Density District

C. Site development considerations

1. Design review: Required for planned developments, subdivisions, and duplexes, but not for individual residence unless located within the Visual Sensitive Area.

2. Onsite Usable Open Space: 1,386 square feet for each structure and 462 square feet for each dwelling unit.
   a. Onsite usable open space shall be usable for recreation or play.
   b. Design review shall determine whether or not it shall be contiguous or in clusters.

3. Accessory dwellings: Not permitted.

4. Units not constructed for individual ownership shall be limited to a duplex or single detached dwelling configuration.

§17.13.080. MFH, Multi-Family High Density District

C. Site development considerations

1. Onsite Usable Open Space: 1,386 square feet for each structure and 462 square feet for each dwelling unit.
   a. Onsite usable open space shall be usable for recreation or play.
   b. Design review shall determine whether or not it shall be contiguous or in clusters.

2. Design review: Required for planned developments, subdivisions, and multi-dwelling structures, but not for individual residences unless located in the visually sensitive area as defined in the General Plan.

3. Accessory dwellings: Not permitted.

§17.13.090. MFV, Multi-Family Very High Density District

C. Site development considerations

1. Onsite Usable Open Space: 1,386 square feet for each structure and 462 square feet for each dwelling unit.
   a. Onsite usable open space shall be usable for recreation or play.
   b. Design review shall determine whether or not it shall be contiguous or in clusters.

2. Design review: Required for planned developments, subdivisions, and all multi-dwelling structures, but not for individual residences unless located in the visually sensitive area as defined in the General Plan.

3. Accessory dwellings: Not permitted.

§17.13.100. MH, Mobile Home District

C. Site development considerations

1. Onsite Usable Open Space: 1,386 square feet for every four dwelling units and 462 square feet for each dwelling unit.
   a. Onsite usable open space shall be usable for recreation or play.
   b. Design review shall determine whether or not it shall be contiguous or in clusters.

2. Design review: Required for the mobile home park, but not for individual mobile home residences unless located in the visually sensitive area as defined in the General Plan.

3. Accessory dwellings: Not permitted.
§17.13.110. AG, Agricultural District

C. Site development considerations
1. Design review: Required for planned developments and subdivisions, and for individual residences above the visual sensitivity area established in the Land Use Element.
2. Onsite Usable Open Space: In conjunction with planned development requirements, there shall be at least 1,386 square feet of usable open space on each lot or as a part of overall open space requirements as adopted in design review of the project. In the zoning district, there is no reduction for additional units.
3. Accessory dwellings: Conditionally permitted after public hearing and issuance of a special use permit and subject to all ordinance provisions.

Proposed Changes to Chapter 17.14: Residential Zoning District Uses

Accessory uses and structures shall be permitted within residential districts in compliance with the Site Development Standards of §17.15.010. Accessory uses shall not be permitted to be constructed or occupied before the establishment of the primary use. Additional regulations apply to Accessory Dwelling Units and Home Occupations (See Chapters 17.42 and 17.43).

§17.14.040. Temporary Uses: Residential zoning districts
Temporary uses shall be permitted within residential districts for a period not to exceed twelve calendar months in compliance with the provisions of this Chapter and Site Development Standards of §17.15.010. Additional regulations apply to home occupations. Accessory Dwelling Units shall not be permitted as temporary uses.

Proposed Changes to Chapter 17.39: Landscaping

§17.39.030. Exemption
The following are exempt from the standards of this Chapter:
1. Agriculture structures and agricultural uses in the AG Zone;
2. Minor improvements or repairs to existing development that do not result in an increase in floor area; major facade renovations may generate a landscaping requirement.
3. Detached single family dwellings on individual lots, unless required to install landscaping as a condition of project or planned development approval;
4. Accessory dwelling units.

Repeal entire text of Chapter 17.42: Accessory Dwelling Units
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On the 7th day of June, 2004, A.D., 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 June 7, 2004 and ending June 7, 2004.

Signed: Rachelle S. Thomas

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

Signed: Notary Public.


LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

SUMMARIES OF ORDINANCES amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council is as follows:

ORD. 04-32. An ordinance amending the Land Development Code of the City of Logan, Utah, was passed and approved May 4, 2004, repealing Chapter 17.42, Accessory Dwelling Units, and amending Chapter 17.04, "Residential Use Categories," 17.13, "Residential Zoning Districts," 17.14, "Residential Zoning District Uses," and 17.39, "Landscaping." The amendment removes all references to Accessory Dwelling Units (ADU). Existing licensed ADUs will be able to continue operation in accordance with current Code, which prohibits ADU permits from being renewed (or a new conditional use permit being issued) once the property is sold to a new owner.


ORD. 04-29. An ordinance amending the Zoning Map of Logan City, Utah, was passed and approved June 1, 2004 as follows. Section 1: Zoning from Commercial Neighborhood (CN) to Recreation (REC) TIN#’s 02-064-0011 (Golf Course portion) and 02-064-0008. Also identified as “River Crossing Rezone,” approx. 2.9 acres at approx. 250 West Golf Course Road. These ordinances are effective immediately upon publication. Full text of the ordinances 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: June 7, 2004
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 20th 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

NOTICE OF PUBLIC HEARING

a copy of which is hereto attached, was published in said
newspaper for One (1) issue ....................................................
commencing April 20, 2004 and

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton

NOTARY PUBLIC

My Commission expires September 7, 2007

NOTICE OF PUBLIC HEARING

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

1. River Crossing Rezone. River Crossing, LLC, applicant/owner, requests rezone for property at 22 West Golf Course Road from Commercial Neighborhood (CH) to Multi-Family High Planned Development (MFH-PD) on abandoned trail portion (TIN 02-064-0011, 0012, 0016, 0019); and from Commercial Neighborhood (CN) to Recreation (REC) on golf course portion (TIN 02-064-0011, 0003).

2. Land Development Code 17.42. Repeal City of Logan, applicant, proposes a text change to the Logan City Land Development Code Chapter 17.42: Accessory Dwelling Units. The proposed text change would repeal Chapter 17.42. Once repealed, no new Accessory Dwelling Units would be permitted in the City of Logan. In addition, Chapter 17.30: Residential Zoning Districts would be amended to remove all reference to Accessory Dwelling Units. Reference to Accessory Dwelling Units would also be removed from Chapters 17.07: Residential Use Categories, 17.14: Residential Zoning District Uses, and 17.39: Landscaping.


Public hearings will be held before the Logan Municipal Council on Tuesday, May 4, 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 20, 2004

Notary Public * State of Utah
CYNTHIA K FULTON
320 West 1330 North
Logan, UT 84341