CITY OF LOGAN, UTAH
ORDINANCE NO. 06-50

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989,
TABLE 17.17.020, “PRIMARY USES ALLOWED IN ECONOMIC
DEVELOPMENT DISTRICTS”

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

SECTION 1: Logan Municipal Code, 1989, Table 17.17.020, “Primary Uses Allowed in
Economic Development Districts is hereby amended to read as follows.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description (Excerpt)</th>
<th>Economic Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage, Outdoor</td>
<td>Non retail or industrial trade, the storage of merchandise inventory, and the storage of bulk materials such as sand, gravel, and other building materials</td>
<td>CN No CG N° CC CE IND C</td>
</tr>
</tbody>
</table>

*Outdoor Storage and Display of merchandise for Farm & Ranch Stores may be permitted with Conditional Use Permit.

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 18TH DAY OF
JULY, 2006, BY THE FOLLOWING VOTE:
AYES:        Swenson, Taylor, Swenson, Pyfer, Thompson
NAYS:        None
ABSENT: None

ATTEST:

[Signature]
Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the
Mayor for approval or disapproval this 16th day of July, 2006.

[Signature]
Stephen C. Thompson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 16th day of July, 2006.

[Signature]
Randy Watts, Mayor
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: July 3, 2006
FROM: Tavis J. Austin, Planner II, Community Development
SUBJECT: LDC §17.17.20 Amendment for Outdoor Storage in CG zone

Summary of Planning Commission Proceedings

Project Name: Proposed text changes to the Land Development Code regarding Outdoor Storage and Display of Merchandise

Recommendation of Planning Commission: Approval of text amendment Commercial General (CG)

On June 08, 2006, the Planning Commission recommended that the Municipal Council amend Land Development Code sections 17.17.020: Primary Uses Allowed in Economic Development Districts to allow outdoor storage and display of merchandise at Farm and Ranch Stores with approval of a Conditional Use Permit.

I have attached the staff report to the Planning Commission and the minutes of the Planning Commission meeting.

Attachments:
Planning Commission Minutes from June 08, 2006
Staff Report to the Planning Commission June 08, 2006
REPORT SUMMARY...

Project: Proposed text changes to the Land Development Code regarding Outdoor Storage and Display of Merchandise.

Proponent: Blake Parker, Parker Real Estate

Type of Action: Legislative

Staff Recommendation: Recommend denial of the proposed text changes to the Land Development Code to the Municipal Council.

Code Amendment Summary

The applicant has requested a text change to Land Development Code §17.17.020: Primary Uses Allowed in Economic Development Districts. The proposed change would allow for the “outdoor storage and display of merchandise” within the Commercial General (CG) zoning district for Ranch and Farm Stores.

The LDC currently defines “Outdoor Storage” in LDC §17.08.060 as, “the use of open areas of the lot (except the front yard) for storage of items used for non-retail or industrial trade, the storage of merchandise inventory, and the storage of bulk materials such as sand, gravel, and other building materials. Outdoor storage shall also include contractors’ yards and salvage or recycling areas.” Such storage is only currently permitted, with a Conditional Use Permit, in the Industrial (IND) zoning districts (LDC §17.17.020); no outdoor storage, as defined, is allowed in the commercial zoning districts. The LDC does not currently define a Farm or Ranch store.

No supporting information was submitted by the proponent to justify the requested text amendment. Staff does not support the proposed change, as submitted, as it would allow for a land use activity at all existing or proposed farm and ranch stores without further review by the Planning Commission or staff.

Further, as a re-write of the entire code has already started, staff believes that no text changes should be made to the current code as they may permit uses later precluded by the new Code. As such, it is staff’s opinion, that any modification to the LDC should be considered in conjunction with the development of the new code.

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 not amend Land Development Code sections 17.17.020: Primary Uses Allowed in Economic Development Districts to allow outdoor storage and display of merchandise at Farm and Ranch Stores.

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. Outdoor Storage and display of merchandise is not permitted in any Commercial Zoning District.

3. The proposed change to the Land Development Code is inconsistent with the Land Development Code.

4. The proposed changes to the Land Development Code will not 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.

5. The proposed change to the Land Development Code will require staff to determine the “authenticity” of proposed Farm and Ranch stores, as they are not defined in the LDC.

6. Text changes should be made in context of entire Code, Logan City is currently rewriting their zoning ordinance, all changes should be considered as part of that process.

7. No permitted businesses are negatively impacted by this recommendation of denial.

Respectfully submitted,

[Signature]

Tavis J. Austin
Planner II
Staff report published: June 1, 2006
ACTION OF THE PLANNING COMMISSION

RECOMMENDATION
The Planning Commission approve a motion to recommend that the Municipal Council amend
Land Development Code sections 17.17.020: Primary Uses Allowed in Economic Development
Districts to allow outdoor storage and display of merchandise at Farm and Ranch Stores.

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. Outdoor Storage and display of merchandise is not permitted, by right, in any Commercial
   Zoning District.
3. The proposed change to the Land Development Code is consistent with the Land Development
   Code.
4. 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.
5. The proposed text amendment may be reconsidered with the in-process Code update.
6. Outdoor storage and display of merchandise will only be allowed as per conditions of approval
   stipulated by the Planning Commission.
06-034 **Washington Federal Parking Lot.** Design Review, Conditional Use Permit. Blake Parker/ Washington Federal Savings, applicant/owner, requests a design review and conditional use permit to pave approx. 1200 sq. ft. left vacant by the removal of two buildings on approx. 0.79 acres at 399 N Main in the Commercial General (CG) zone. TIN #05-082-0040, 0041.

Mr. Ward stated that the proponent just requested to have the project continued until the next meeting. All agreed.

06-032 **Land Development Code §17.17.** Code Amendment. Applicant Blake Parker 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 to allow outdoor storage and display of merchandise for farm and ranch stores in the Commercial General (CG) zone.

STAFF: Staff reviewed the report as written.

Mr. Kerr questioned the City's lack of commitment to enforce on outdoor storage violations in the Commercial General zone such as ShopKo and Smith's.

Mr. Neilson agreed that there are issues with outdoor storage, but that the City is currently enforcing on some of the big box stores and is trying to do something about it.

Mr. Kerr said it seems like selective enforcement.

Mr. Neilson stated that there should be control and enforcement and that the department is trying to tighten up and do a better job.

Mr. Kerr has seen displays that seem to be located wherever the truck dumped it.

Mr. Neilson asked the Commission to think about the ripple affect this ordinance change would have on ranch store displays along Main Street. Storage and some outdoor display needs to occur, we just need it to be in a reasonable way.

PROPOSER: Mr. Blake Parker stated that he represents a specific business on a specific site that is dealing with an oversight in the code for a business with a very specific need. They would like it addressed in the code rewrite to help other agriculture based businesses, but they need it addressed today for their store. They agree that it does not make sense in every location and does not make sense on Main Street, but this business should not be told 'no'.

PUBLIC: Mr. Lynn Butterfield is in favor of adjusting the code. He has operated three farm and ranch stores in the valley. He reduced the size of his parking lot in order to have room for more equipment. Each store he builds is bigger than the last because there is a need. He has never had problems at any location saying he was operating outside of code. Outdoor storage gives him the exposure he needs for a farm and ranch store. The equipment is made to be outdoors and it helps business when it is outside.

Mr. Lane Parker works with cattle and live stock. He feels the request is not out of line. It is a unique situation. Logan's rural atmosphere has been lost to other cities. The equipment should not be hidden in a building or behind a fence. The proposal is a valid use.

Mr. Kerr asked how far off the highway the equipment is displayed.

Mr. Parker stated it was probably 200 feet off of the road. Some things have to go inside, but big things are probably 150-200 feet from the road.

Mr. Kerr asked if it was displayed by the building.
Mr. Parker stated that it was.

COMMISSION: Ms. Morgan asked if the main issue is storage or display. There seems to be two different issues.

Mr. Austin stated that the intent of the code limits it to industrial areas to limit the proliferation of storage, but agreed that some equipment was never meant to be indoors.

Ms. Morgan asked again whether the issue is storage or display or both.

Mr. Austin stated that it is a fine line for a farm and ranch store. Staff's recommendation was based on other elements of the code, but that a conditional use permit would allow the Planning Commission to put conditions on it.

Ms. Morgan asked Mr. Austin is he was suggesting a different recommendation than was listed in the staff report.

Mr. Austin stated that he was. If the Planning Commission desires, staff could support exactly what the proponent is suggesting.

Mr. Kerr stated that there are two different issues: code and a specific location. He understood that the Steve Regan Ranch store recently received a cease and desist order.

Mr. Nielson stated that the business has been operating without obtaining any permits. Granting a conditional use permit would give the Planning Commission some scrutiny they do not now have.

MOTION: Mr. Kartchner motioned that the Planning Commission recommend that the Municipal Council amend Land Development Code section 17.17.020: Primary Uses Allowed in Economic Development Districts to allow outdoor storage and display of merchandise at Farm and Ranch Stores. Ms. Morgan seconded the motion. Mr. Blaser opposed the motion. All others were in favor.

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. Outdoor Storage and display of merchandise is not permitted, by right, in any Commercial Zoning District.
3. The proposed change to the Land Development Code is consistent with the Land Development Code.
4. 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.
5. The proposed text amendment may be reconsidered with the in-process Code update.
6. Outdoor storage and display of merchandise will only be allowed as per conditions of approval stipulated by the Planning Commission.

[Moved: Mr. Kartchner. Seconded: Ms. Morgan. Passed: 5, 1]

Yea: J. Kerr, R. Robison, M. Hinckley, B. Morgan, G. Kartchner

Nay: D. Blaser

Abstain:

Workshop Items
Staff and the Planning Commission reviewed the agenda for the meeting of June 22, 2006, in a workshop setting.

- 06-034 Washington Federal Parking Lot
- 06-035 Park Side Estates
- 06-038 Addition to Motion Industries Building
- 06-039 Pebblestone Subdivision
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 7th day of July, 2006, 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

was published in said newspaper for One (1) issue commencing July 4, 2006 and ending July 4, 2006.

Signed

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

Signed


Notary Public

LEGAL NOTICES
UPAXLP LD1636635
NOTICE OF PUBLIC HEARING

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

Land Development Code 17.17.020: Primary Uses Allowed in Economic Development Districts. Blake Parker for Parker Sales proposes amending the Land Development Code to Conditionally Permit "outdoor storage and display of merchandise for farm and ranch stores" in the Commercial General (CG) zoning district. The use is currently not allowed in Commercial General.

Public hearing will be held before the Logan Municipal Council on Tuesday, June 18, 2006, 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: July 4, 2006
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache, et al.

On the 24th day of July, 2006, 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 July 23, 2006 and ending July 23, 2006.

Signed, Rachelle S. Thomas

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

Signed, CYNTHIA K. FULTON
Notary Public.


LEGAL NOTICES

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

ORD. 06-50. An ordinance was adopted and approved July 18, 2006 amending the Land Development Code 17.17.002: Primary Uses Allowed in Economic Development Districts, to "Conditionally Permit" outdoor storage and display of merchandise for farm and ranch stores in the Commercial General (CG) zoning district.

City ordinances are effective upon publication. Full text 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: July 23, 2006