CITY OF LOGAN, UTAH
ORDINANCE NO. 07-35

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989,
TABLE 17.14.050, "RESIDENTIAL STRUCTURE TYPES ALLOWED IN
RESIDENTIAL DISTRICTS"

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

Types Allowed in Residential Districts” is hereby amended to read as follows.

Table 17.14.050: Residential Structure Types Allowed in Residential Districts

<table>
<thead>
<tr>
<th>Type of Residential Structure</th>
<th>Residential Zoning Districts</th>
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<tbody>
<tr>
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<td>House, Detached</td>
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<td>Duplex</td>
<td>No</td>
</tr>
<tr>
<td>Multi Dwelling Structures: 3 or more units</td>
<td>No</td>
</tr>
<tr>
<td>Manufactured Housing Unit</td>
<td>P</td>
</tr>
<tr>
<td>Group Living Structure</td>
<td>No</td>
</tr>
<tr>
<td>Mobile Home Park</td>
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P means the residential structure type is permitted in the zoning district.

3: At the Discretion of Planning Commission and upon their finding that the proposed structure(s) present to all adjacent street frontages as a single-family or duplex structure and/or is consistent with the housing styles within a 300 foot radius of the proposed development and that the result will reduce the visible footprint and density of a project for the benefit of site design.

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 5th DAY OF
JUNE, 2007, BY THE FOLLOWING VOTE:

AYES: N/A THEM
NAYS: TAYLOR
ABSENT: None

ATTEND: N/A
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 1st day of June, 2007.

Steven C. Taylor, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 5th day of June, 2007.

Randy Watts, Mayor
DATE: May 11, 2007
FROM: Tavis J. Austin, AICP, Senior Planner, Community Development
SUBJECT: LDC §17.14.050 Text Amendment

Summary of Planning Commission Proceedings

Project Name: Proposed Changes of LDC §17.14.050 to allow for Multi-Unit structures of 3 or more units in the Multi-Family Medium Zoning District

Project Address: Entire Multi-Family Medium (MFM) zoning district

Recommendation of Planning Commission: Approval of proposed text amendment

On April 26, 2007, the Planning Commission voted unanimously in recommending that the Municipal Council approve the proposed text amendment to allow multi-unit structures with 3 or more units within the Multi-Family Medium (MFM) zoning district in accordance with the associated conditions.

I have attached the staff report to the Planning Commission and the minutes of the Planning Commission meeting of April 26, 2007.

Attachments:
Staff Report to the Planning Commission April 26, 2007
Minutes of Planning Commission meeting of April 26, 2007
Staff Report for the Planning Commission meeting of April 26, 2007

PC Docket #07-036
Amendments to the Land Development Code
Regarding 3 or More unit Structures within the Multi-Family Medium (MFM) Zoning District

REPORT SUMMARY...

Project: Proposed text changes to the Land Development Code regarding “3 or More Unit Structures” Within The Multi-Family Medium (MFM) Zoning District.

Proponent: Donovan Aller for Willowood et.al

Type of Action: Legislative

Staff Recommendation: Recommend approval 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 (LDC) §17.14.050: Residential Structure Types Allowed in Residential Districts. The proposed change would allow for some “Multi Dwelling Structures: 3 or more units” within the Multi-Family Medium (MFM) zoning district at the discretion of the Planning Commission.

The LDC currently prohibits such a use within the MFM zone unless the structures are “attached housing”—a townhome, for example. Staff believes that the current code prohibits this use to prevent “apartment complexes” that are typically inconsistent with the surrounding single-family and duplex uses within the majority of the MFM zoned areas of the City. Staff has no concern with the number of units a structure has within its walls provided that the site plan and design of the structure are compatible with the surrounding land development and the intent of the current code restriction. Further, staff believes that this change to the Code will often promote a reduction in “developed footprint” within projects and promote a visual reduction in density within a project or area.

The proposed change will foster improved structure design and provide the Planning Commission with increased ability to enhance the design characteristics of Multi-Family dwelling projects within the MFM zone.
Current Code:

**Table 17.14.050: Residential Structure Types Allowed in Residential Districts**

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Proposed Change:

**Table 17.14.050: Residential Structure Types Allowed in Residential Districts**

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3: At the Discretion of Planning Commission and upon their finding that the proposed structure(s) present to all adjacent street frontages as a single-family or duplex structure and/or is consistent with the housing styles within a 300 foot radius of the proposed development and that the result will reduce the visible footprint and density of a project for the benefit of site design.

**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 §17.14.050: Residential Structure Types.
Allowed in Residential Districts to allow permit “Multi-Dwelling Structures: 3 or more units” as identified above.

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. Proposed change will allow for more compact design with fewer structures and reduced visual density.

3. The proposed change to the Land Development Code is consistent with current intent of 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.

Respectfully submitted,

Tavis J. Austin, AICP
Senior Planner

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.
Mr. Ward asked if there would be trees on the east and west sides because they are not shown on the elevations, but they are on the site plan.

Mr. Mumford stated yes.

Mr. Ward asked if staff was suggesting that there be additional trees other than what is shown in the site plan.

Mr. Mumford stated that staff always suggests breaking up large expanses of one material, but they feel landscaping on the east side is sufficient.

Mr. Kartchner asked Mr. Mumford if he wanted an additional Site Specific Condition requiring a revised site plan with a licensed surveyor stamp and signature.

Mr. Mumford stated yes.

Mr. Kartchner asked Mr. Mumford if the engineering requirement was included in the motion for approval.

Mr. Mumford stated yes.

Mr. Austin told the Commission that staff will ensure that all future site plans are complete and surveyed prior to submission.

PROPOSEN'T: Mr. Lance Zollinger, general contractor, stated that they would be adding windows across the upper portion of the building along the 1000 West side and the south side so there is natural light for their employees. He stated he knew the number of parking spaces was an issue, but they are trying to allow for additional assembly processes in the future.

PUBLIC: There were no public comments.

COMMISSION: Mr. Ward stated it sounded like the proponent had addressed the issues.

MOTION: Mr. Kartchner motioned that the Planning Commission Conditionally Approve PC #07-035, Inovar Expansion, Design Review Permit for the property located at 1073 West 1700 North; TIN #04-154-0007. The staff report was amended to include that the proponent must submit a revised site plan with a licensed surveyor stamp and signature. Mr. Robison seconded the motion.

RECOMMENDED STANDARD CONDITIONS OF APPROVAL
All standard conditions of approval will be recorded with the Record of Decision and are available in the Community Development Department.

RECOMMENDED ‘SITE SPECIFIC’ CONDITIONS OF APPROVAL
1. The proponent shall submit a performance landscaping plan that includes:
   a. All trees shown on site plan as well as foundation plantings around the building.
   b. Any additional landscaping to be used to remove “excessive parking”.
2. Proponent shall submit a use/employee breakdown of the proposed and existing buildings to justify the amount of off-street parking. Review of this material may lead to the removal of “excessive” off-street parking; such parking will be replaced with landscaping.
3. Revised elevations shall be submitted (including east and north), and shall include windows and/or additional design elements on the east and south façades, since they will be visible from 1700 North and 1000 West.
4. Any site lighting, decorative, accent, etc. shall be reviewed by staff prior to installation. All lighting shall be night-sky friendly.
5. A revised site plan with a licensed surveyor stamp and signature is required prior to issuing a building permit.
6. Prior to the issuance of a building permit and/or business license, the following department or agency conditions must be satisfied:

a. Fire Department — contact Liz Hunsaker 716-9515
   1. Additional fire hydrants may be required.
   2. Building may be required to have a fire sprinkler system and fire alarm system.
   3. Need to address fire department access on the east side of the building and fire department apparatus turn around.

b. Public Works Department — contact Bill Young 716-9160
   1. All standard Engineering Conditions shall apply per Bill Young.
   2. All Public Works standards and specifications shall be met.

c. Light and Power — contact Garth Turley 716-9741
   1. Contact Light and Power for electric service requirements for expansion.

d. Environmental — contact Steve Larsen 716-9760
   1. Will use existing dumpsters.

e. Geographic Information Systems Division — contact Chuck Shaw 716-9171
   1. The proponent shall submit a digital copy of the final plat in AutoCAD or ESRI compatible format (preferably in ESRI compatible format) which is tied to at least two of the City’s survey monuments, prior to the recordation of the final plat. For more information or for other options call Chuck Shaw.

RECOMMENDED FINDINGS FOR APPROVAL

1. Inovar Expansion has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

2. Inovar Expansion has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.

3. The Design Review Permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.

4. Inovar Expansion is compatible with surrounding land uses and will not interfere with the use of adjoining or area properties.

5. 1700 North, the street providing access and other infrastructure to the subject property, has adequate capacity, or a suitable level of service, for the proposed use.

6. As conditioned, the proponent will be required to justify the proposed parking. If deemed “excessive,” parking shall be removed in order to be in conformance with Title 17 of the Logan Municipal Code.

7. The proposed/conditioned landscaping around the proposed structure and on the site will provide some visual interest to the property.

8. The proposed project complies with all applicable setbacks of the Land Development Code.

9. The structure has been conditioned to add design elements in order to comply with the Design Guidelines.

[Moved: Mr. Kartchner  Seconded: Mr. Robison  Passed: 6, 0]


07-036 Modification to LDC Section 17.14.050. Code Amendment. Donavon Aller requests a code change to amend the Residential Structure Types section of the Land Development Code to allow structures with living units above and below in the Multi Family Medium (MFM) zone.

STAFF: Mr. Austin reviewed the staff report as written. He stated that he received one phone call voicing concern, but the caller did not give her name.
Mr. Kartchner questioned what would happen if a duplex looking unit wanted to finish their basement, so it effectively became a triplex, not a fourplex.

Mr. Austin stated that he would not have an issue with a row of six surface town homes and units below ground because it could create a better site plan.

Mr. Kartchner questioned whether there could be a duplex looking house with a raised foundation at 4 feet so the fourplex was half underground and half above.

Mr. Austin stated that the wording could be revised, but the goal is to have no more than a duplex.

Mr. Kartchner agreed, but pointed out that if there is a loop hole someone will find it and crawl through it.

Ms. Morgan asked if there was room for any discretion by the Planning Commission.

Mr. Kerr stated he felt it was more restrictive the way it is written. It means the answer is no unless proven otherwise.

Mr. Austin stated it would give the Commission a provision to put density somewhere if the structure fits with the neighborhood and creates an overall better design with that allowance.

PROPOSENENT: Nothing further to add.

Mr. Austin pointed out that the code will be short lived since the new code will hopefully be in place in about a year.

Mr. Kerr stated that this change could be consistent with the new code.

PUBLIC: There were no public comments.

COMMISSION: Mr. Ward complimented Mr. Austin on a well crafted amendment.

Ms. Morgan agreed and stated that the change would provide the ability to accommodate within an existing footprint what code did not allow before.

Mr. Austin stated that the Commission would need to look at the project that drove this code change again. He suggested that there should be a public meeting to develop standards and then have them reviewed by the Commission in case the Council varies from their recommendation.

MOTION: Mr. Ward motioned that the Planning Commission recommend that the Municipal Council amend Land Development Code §17.14.050: Residential Structure Types Allowed in Residential Districts to allow permit “Multi-Dwelling Structures: 3 or more units”. Mr. Kerr seconded the motion and requested that staff prepare the design standards for 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. Proposed change will allow for more compact design with fewer structures and reduced visual density.
3. The proposed change to the Land Development Code is consistent with current intent of 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.


Staff and the Planning Commission reviewed the agenda for the meeting of May 10, 2007, in a workshop setting.

- 07-037 LLS – Logan Lot Split
- 07-038 Gabriela Alcala/Mis Amigos Daycare
- 07-039 U & I Warehouse Sale
- 07-040 Utah Carzz
- 07-041 Logan River Hotel/Conference Center/Restaurant
- 07-042 City Fix-It Rezone

The meeting adjourned at 7:15 p.m.

Minutes approved as written and recorded on 2 tapes at the Planning Commission meeting of April 26, 2007.

__________________________  ____________________________
Jay Nielson                Becky Morgan
Director of Community Development  Chairman

__________________________  ____________________________
Tammy Firth                Tavis Austin
Administrative Secretary   Senior Planner

__________________________  ____________________________
Steve Mumford              
Planner II
NOTICE OF PUBLIC HEARING

LOGAN MUNICIPAL COUNCIL

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

Modification to LDC Section 17.14.050. Code Amendment.
Donavon Aller requests a code change to amend the Residential Structure Types section of the Land Development Code to allow structures with living units above and below in the Multi-Family Medium (MFM) zone.

Public hearing will be held before the Logan Municipal Council on Tuesday, June 5, 2007, 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,
City Recorder

Publication Date:
May 15, 2007

(Harriette R. Price, City Recorder, May 15, 2007)
(Civil)
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 19th day of June, A.D. 2007

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

...commencing June 12, 2007, and ending June 12, 2007...

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fullwood
Notary Public

My Commission expires September 7, 2007...

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL
SUMMARY OF ORDINANCE amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council, is as follows:

Ordinance 07-35. An ordinance was adopted and approved June 5, 2007 amending Logan Municipal Code, Table 17.14.050, "Residential Structure Types Allowed in Residential Districts," to allow multi-unit structures with three or more units within the Multi-Family Medium (MFM) zoning district in accordance with associated conditions.

This ordinance is 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: June 12, 2007