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

SECTION 1: Logan Municipal Code, 1989, § 17.47.070(B) “Final Plat Map Certificates” is hereby amended to include §17.47.070(B)(12) and read as follows:

“17.47.070 (B)(12) Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code.”

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 4th DAY OF March, 2008, by the following vote:

AYES: ________________________________

NAYS: ________________________________

ABSENT: ________________________________

Tami W. Pyfer, Chair

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 __________ day of ______, 2008.

Tami Pyfer, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ______ day of ______, 2008.

Randy Watts, Mayor
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: February 15, 2008
FROM: Tavis J. Austin, Senior Planner, Community Development
SUBJECT: Amendment to the Land Development Code §17.47

Summary of Planning Commission Proceedings

Project Name: Amendment to Land Development Code: Plat Setback
Project Address: Citywide
Recommendation of Planning Commission: Approval of amendment to create LDC§17.47.070 (B)(12)

On February 14, 2008, the Planning Commission unanimously recommended that the Municipal Council approve an amendment to Land Development Code (LDC) §17.47 Subdivisions to create LDC §17.47.070(B)(12) to state, "(B)uilding setbacks shall not be recorded with a Final Plat. Setbacks shall be as specified in the Land Development Code at the time of development."

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

Attachments:
Draft Planning Commission Minutes from February 14, 2008
Staff Report to the Planning Commission February 14, 2008
08-009 Amendment to LDC Section 17.47.070. Code Amendment, City of Logan/applicant, requests to add an amendment to Land Development Code (LDC) Section 17.47.070 (B) (12) to add the words “Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code.”

STAFF: Mr. Austin reviewed the staff report as written with approval to the Municipal Council.

PUBLIC: No Comment.

MOTION: Mr. Simmonds recommended that the Municipal Council Conditionally Approve PC #08-009 to modify Land Development Code §17.47.070: Plat Setbacks. Mr. Robison seconded the motion.

Project #08-010
Amendments to the Land Development Code §17.47 Subdivisions
Regarding Creation §17.47.070 (B)(12) to preclude recordation of setbacks on Final Plats for Subdivisions

REPORT SUMMARY...
Project: Proposed text changes to the Land Development Code regarding recordation of building setbacks on subdivision plats
Proponent: City Staff
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
Staff is recommending the creation of Land Development Code §17.47.070 (B)(12) that would state, "(B)uilding setbacks shall not be recorded with a Final Plat. Setbacks shall be as specified in the Land Development Code at the time of development."

The Land Development Code does not request the inclusion of setbacks at this time, nor does State law require that they be recorded. Staff believes that the recordation of setbacks, particularly in the commercial and industrial areas, may actually hinder development rather than assist development. Therefore, as State law does not require the recordation of setbacks and as all developments require compliance with the setbacks "in effect at the time of development," staff feels that the Land Development Code should be clear in stating that setbacks are not to be recorded with subdivision plats.

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 §17.47.070 (B) to include §17.47.070 (B)(12) to state, "Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code."

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. State Law does not require the recordation of setbacks on subdivision plats.

3. The proposed change to the Land Development Code is consistent with the Land Development Code and the General Plan.

4. The proposed will eliminate the potential conflict between recorded plats and the Code requirements.

5. No permitted projects are negatively impacted by this recommendation of approval.

Respectfully submitted,

Tavis J. Austin
Senior Planner
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache, et al.

On this 19th day of February, 2008, 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

LOGAN MUNICIPAL COUNCIL

... is hereto attached, was published in said newspaper for One (1) issue, commencing February 1, 2008, and ending February 19, 2008. Signed Rachelle S. Thomas.

... subscribed and sworn to before me, the day and year above written. Signed, Notary Public.

My Commission expires September 7, 2011.

NOTARY PUBLIC
CYNTHIA K FULTON
320 West 1330 North
Logan, UT 84341
My Commission Expires September 7, 2011
STATE OF UTAH
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, etc.

On the 7th day of March 2008 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 above written, a copy of which is hereto attached, was published in said newspaper for one (1) issue commencing March 7, 2008 and ending March 7, 2008, and subscribed and sworn to before me, the day and year above written.

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

Signed

My Commission expires September 7, 2011.

Notary Public

CYNTHIA K. FULTON
320 West 1330 North
Logan, UT 84341
My Commission Expires September 7, 2011
STATE OF UTAH