CITY OF LOGAN, UTAH
ORDINANCE NO. 12-10

AN ORDINANCE AMENDING SECTION 17.51.030 OF THE
LAND DEVELOPMENT CODE (LDC) REGARDING AMENDMENT PROCEDURES

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

WHEREAS, pursuant to Utah Code § 10-9a-501, a municipality may enact land use ordinances and a zoning map consistent with the Municipal Land Use, Development, and Management Act; and

WHEREAS, a Citizens Commission appointed by the Logan City Council has made recommendations regarding amendment procedures concerning the Land Development Code and the Official Zoning Map; and

WHEREAS, the City Council has determined that the following ordinance is in the City’s best interest;

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

SECTION 1:

§17.51.030. Amendment Procedures

A. Application Process
Amendments to the Official Zoning Map or the text of the Land Development Code shall be submitted to the Department of Community Development. Applications initiated by action of the Municipal Council or Planning Commission shall be prepared by the Director of Community Development. Applications are processed in accordance with Chapter 17.55, except as directed for the Municipal Council in this chapter. Applications for amendments to the text of the Land Development Code shall be separate from applications for amendments to the Official Zoning Map. Amendments to the text of the Land Development Code and Amendments to the Official Zoning Map require separate noticing and separate public hearings.

B. Zoning Actions are Legislative in Nature
An action to change the district boundaries or the text of the Land Development Code shall not include conditions of approval. The zoning amendments are legislative and conditions shall not be imposed. The Planning Commission and Municipal Council shall be required to find that the site is suitable for the proposed zoning district and all permitted uses and site development standards without limitation.
C. Public Notice for Proposed Changes to the Official Zoning Map
Not less than ten days prior to the hearing date before the planning commission or municipal council, the Director of Community Development shall send by first class mail a written notice to owners of real property as shown on the latest official County Assessor's rolls within three hundred feet of the perimeter boundaries of any proposed change to the official zoning map. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:
1. the date, time and place of the meeting;
2. the body before which the hearing is scheduled;
3. the name of the proponent;
4. a general description of the proposed zoning change as submitted by the proponent. The description should be neutral in tone and not be inappropriately embellished to create a belief that the City either favors or disapproves of the application;
5. a map that identifies the boundaries of the proposed zoning change;
6. a statement explaining when and where interested persons can obtain information;
7. the name of staff member and direct phone number to contact the staff member; and
8. an explanation as to how to participate in the hearing.

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

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _______ DAY OF FEBRUARY 2012, BY THE FOLLOWING VOTE:
AYES:
NAYS:
ABSENT:

____________________________
/s/ Dean Quayle, Chair

ATTEST:
____________________________
/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _______ day of February, 2012.

____________________________
/s/ Dean Quayle, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _______ day of February, 2012.

____________________________
/s/ Randy Watts, Mayor
Civil
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss

On this 24th day of January, A.D. 2012 personally appeared
before me Monica Christensen who being first being duly sworn, deposes and says that
she is the Assistant to the Finance Director of the Cache Valley Publishing Co., publishers of The Herald Journal
daily newspaper published in Logan City, Cache County Utah, and that the
Legal Notice, a copy of which is hereto attached was published in said
newspaper for 1 issue(s) and that said notice also published on utahlegals.com
on the same days(s) as publication in said newspaper

Commencing on the following days:
01/24/2012

Monica Christensen
Assistant to the Finance Director

Subscribed and sworn to before me on this 24th day of January, A.D. 2012

Notary Public
Commissioned in the State of Utah
My Commission expires August 1, 2015

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NOTICE OF PUBLIC HEARING
LOGAN MUNICIPAL COUNCIL

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

Land Development Code (LDC) Amendment 17.51.030
Amendment Procedures: The Municipal Council of the City of Logan, Utah will hold a public hearing to consider an ordinance amending Section 17.51.030 of the Land Development Code (LDC) regarding Amendment Procedures.

Said public hearing will be held Tuesday, February 7, 2012, not before 5:30 p.m. in the Municipal Council Chambers, 290 North 100 West, Logan, Utah.

Full text of the ordinance is available for inspection at the City Recorder's Office during business hours.

Teresa Harris
City Recorder

Publication Date: January 24, 2012