CITY OF LOGAN, UTAH
ORDINANCE NO. 13-89

AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY AND TITLE 17, THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH CREATING A LANDFILL OVERLAY ZONE

WHEREAS, it is the intent of the Council to manage growth by implementing the principles of the General Plan and Land Development Code; and

WHEREAS, in accordance with the vision of the General Plan, the Council desires to make land use decision which promote enduring quality and consideration for the entire community; and

WHEREAS, the Council finds that it is important to identify those lands adjacent to the Logan City Landfill and ensure that any permitted land uses on said lands are compatible with landfill activities and impacts ; and

WHEREAS, the Council further finds that the creation of a Landfill Overlay Zone will provide adequate protection for both the City and future landowners adjacent to the landfill with respect to future landfill activities and impacts.

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

SECTION 1: That certain code entitled “Land Development Code, City of Logan, Utah” Chapter 17.23: “Landfill Overlay Zone” is hereby amended as attached hereto as Exhibit A.

SECTION 2: That certain map or maps entitled “Zoning Map of Logan City, Utah” is hereby amended to include a Landfill Overlay zone on lands within ¼ mile of the Logan Landfill and as attached hereto as Exhibit B:

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, __3__
THIS DAY OF December, 2013.

AYES: Simmon, Ward, Zenas, Alton, Quayle
NAYS: More
ABSENT: More

Holly Daines, Chair

Teresa Harris, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 3rd day of December, 2013.

Holly Daimes, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 3rd day of December, 2013.

Randy Watts, Mayor
Chapter 17.23: Overlay Zones Established

§17.23.010. Overlay Zones Established
A. AL: Airport Limitation overlay zone, Chapter 17.24.
B. AP: Aquifer/Wellhead Protection overlay zone, Chapter 17.25.
D. HD: Historic District overlay zone, Chapter 17.27.
E. GF: Greenfield overlay zone, Chapter 17.29.
F. H: Hospital overlay zone, Chapter 17.30.
G. CL: Critical Lands overlay zone, Chapter 17.31.
H. LF: Landfill overlay zone, Chapter 17.32.
I. X: Existing lot size overlay zoning district, Chapter 17.33.

§17.23.020. Use of Overlay Zones
A. Nomenclature.
   An Overlay Zoning classification is appended to a base zoning district so that the lands
   are classified as Base Zoning District-Overlay District. As an example, property in the
   Neighborhood Residential Center Street-Historic District zoning district (NRCS-HD).
B. Multiple Overlay Districts.
   Property within the City may be included in more than one Overlay District. For
   example, a property may be within both the Historic District and a Critical Lands area.
   In this case, the property would be enumerated as NRCS-HD-CL.
Chapter 17.32: Landfill (LF) Overlay Zone

§17.32.010. Purpose
The purpose of the Landfill (LF) Overlay Zone is to regulate future land uses adjacent to the Logan City landfill in order to protect the public health, safety and welfare.

§17.32.020. Applicability
The Landfill (LF) Overlay zone is applicable to all properties within a ¼ mile radius of the current Logan City landfill boundaries.

§17.32.030. Uses
The underlying base zoning shall determine what uses are permitted, conditionally approved, or prohibited within the Landfill (LF) overlay zone subject to the modifications identified in Sections 17.32.040 and Sections 17.32.050.

§17.32.040. Permitted Uses
In addition to the allowed uses identified within the underlying zones, the following uses are also permitted in the Landfill (LF) Overlay Zone:
1. Golf courses.
2. Agricultural uses and structures.
3. Processing of agricultural products grown on-site.
4. Sales of agricultural products grown on-site.
5. General sales and service of agricultural related products, equipment or machinery.
6. Garden shop, plant sales, or nursery.

§17.32.050. Prohibited Uses
The following uses are prohibited in the Landfill (LF) Overlay Zone:
1. Single family or multi-family residential dwellings.
2. Mobile home parks.
3. Residential occupancy or group living facilities.
4. Child or family day care, commercial day care or preschools.
5. Adult oriented business.

§17.32.050. Design Review and Approval
Proposed development projects shall be reviewed as per the review and approval processes outlined in this Title.
EXHIBIT B
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 19, 2013
FROM: Mike DeSimone
SUBJECT: Land Development Code Amendment – Landfill Overlay Zone (17.32)

Summary of Planning Commission Proceedings

Project Name: Code Amendment – Landfill Overlay Zone
Project Address: City wide
Request: Amendment to LDC 17.32
Recommendation of Planning Commission: Approval

On October 24, 2013, the Planning Commission, by unanimous vote, recommended that the Municipal Council approve a request to amend the Land Development Code, Section 17.32, Landfill Overlay Zone.

Planning Commissioners, vote (6,0):
Recommend approval: Dave Adams, Amanda Davis, Angela Fonnesbeck, Russ Price, Garrett Smith, and Steve Stokes.
Recommend denial: None.

Attachments:
Staff Report
Ordinance 13-089
PC Meeting Minutes
REPORT SUMMARY...
Project Name: Landfill Overlay District Amendment  
Proponent/Owner: Community Development Department  
Project Address: Citywide  
Request: Code Amendment  
Type of Action: Legislative  
Date of Hearing: October 24, 2013  
Submitted By: Mike DeSimone, Director

RECOMMENDATION  
Staff recommends that the Planning Commission recommend approval to the Municipal Council for the following amendment to the Land Development Code (LDC): Section 17.32.

REQUEST  
This proposed text amendment to the Land Development Code would create a Landfill Overlay Zone to regulate land uses adjacent to the existing landfill in order to protect the public health, safety and welfare.

DISCUSSION  
The proposed amendment is relatively straightforward. The purpose is to ensure certain uses, primarily residential, do not locate around the landfill in order to avoid future problems. The overlay would extend a ¼ out from the landfill boundaries. The proposed language relies on the underlying zoning districts to define the acceptable uses while including specific modifiers for additional permitted and prohibited uses. The additional permitted uses are those uses that are currently not permitted in the underlying zones, yet would be compatible with the landfill.

GENERAL PLAN  
The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. This proposed amendment helps ensure the protection of the public’s health, safety and welfare are maintained, especially with respect to residential uses. These amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY  
Staff finds that the proposed amendments will enable future purchasers of land within ¼ mile of the landfill to be made aware of the restrictions placed on their lands. This amendment also includes certain uses such as agriculture which would be permitted adjacent to the landfill. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS  
As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION
Public notices were published in the Herald Journal on October 10, 2013, posted on the City’s website and the Utah Public Meeting website on October 15, 2013, and noticed in a quarter page ad on October 6, 2013.

AGENCY AND CITY DEPARTMENT COMMENTS
As of the time the staff report was prepared, no comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendment establishes a new overlay zone specifically for Logan City’s landfill. The overlay extends ¼ mile outward from the boundary of the landfill.
4. The proposed Code Amendment will enable current and future landowners to be made aware of the limitations or allowances placed on their lands above and beyond the base zoning.
5. The provisions of this Landfill Overlay Zone do alter the permitted or prohibited uses of the underlying base zone.
6. The provision of a Landfill Overlay Zone is consistent with the overall goals and objectives of the Logan General Plan as it seeks to ensure the public health, safety and welfare are protected.
7. No public comment has been received regarding the proposed Landfill Overlay zone.
SUMMARY OF AN ORDINANCE

The following ordinances were adopted and approved by the Logan Municipal Council on December 3, 2013.

ORD. 13-86 Amending the Land Development Code to clarify the Critical Lands Overlay Zone.

ORD. 13-87 Amending the Land Development Code to change home occupation standards and additional development standards.

ORD. 13-88 Amending the Land Development Code to clarify landscaping standards.

ORD. 13-89 Amending the Land Development Code Section 17.23 to create a Landfill Overlay Zone and amend the zoning map to include a Landfill Overlay Zone.

ORD. 13-90 Amending the zoning map to replace Neighborhood Residential Zones (Core, Outer Core, Westside, Eastside, and Center Street) with NR-6 (traditional neighborhood residential), NR-4 (low density neighborhood residential), and MR-9 (mixed residential transitional), and remove the RR (Rural Reserve) Zone.

ORD. 13-92 Amending Title 5 of the Logan Municipal Code by adding a New Chapter 41 relating to Animal Drawn Vehicles.

These ordinances are effective immediately upon publication. The full text of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 200 North 100 West, Logan, Utah during regular business hours.

Teresa Ham, City Recorder

Publication Date: December 6, 2013