AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH

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 17.12: “Neighborhood Residential Zones” is hereby amended as attached hereto as Exhibit A, respectively:

SECTION 2: That certain code entitled “Land Development Code, City of Logan, Utah” Chapter 17.15: “Specific Development Standards: Residential Zones” is hereby amended as attached hereto as Exhibit B, respectively:

SECTION 3: That certain code entitled “Land Development Code, City of Logan, Utah” Chapter 17.62: “Definitions” is hereby amended as attached hereto as Exhibit C, respectively:

SECTION 4: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF MARCH, 2016.

AYES:...
NAYS: ...
ABSENT: ...

Herm Olsen, Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 15 day of MARCH, 2016.

Herm Olsen, Chair
MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 15 day of March, 2016.

Craig Petersen, Mayor
§17.12.110 Campus Residential (CR)

The Campus Residential Zone is located adjacent to large educational centers such as Utah State University. This designation permits the highest density residential development in the city and is intended to relieve the student housing pressure on traditional single-family neighborhoods, especially in the core areas.

Campus Residential developments may develop at a maximum density of 40 dwelling units per acre or may choose to develop at a maximum density of 240 occupants per acre with a Conditional Use Permit. High quality building design and materials will be required as well as usable open space and adequate parking. Traditional design features such as building entrances that face the street, street trees, screened parking and parking terraces will be associated with these developments.

Ground floor commercial uses serving the resident population is an important component of the Campus Residential zone, and are encouraged provided they do not negatively impact adjoining residential uses.

The Campus Residential development regulations are intended to:

- Promote student housing near USU to alleviate housing demands in adjoining neighborhoods;
- Encourage innovative design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community; and
- Promote limited commercial uses serving the resident population consistent with surrounding neighborhoods.

Residential projects choosing to develop based on an occupant per acre standard rather than the dwelling unit per acre standard shall:

- Obtain a Conditional Use Permit;
- Delineate the occupancy allocation per unit on the proposed development plan, including the submittal and approval of a floor plan during the CUP process;
- Meet a minimum size of 70 square feet per single occupant bedroom and a minimum size of 110 square feet per double occupant bedroom;
- Comply with Building Code requirements for habitable areas and minimum room sizes;
- Comply with all other Land Development Code requirements.
Chapter 17.15: Specific Development Standards: Residential Zones

§17.15.010 Development Standards Purposes

The development standards contained in this Chapter are intended to ensure that development is consistent with a neighborhood’s existing characteristics and building placement patterns, while guiding change to be consistent with the purpose of the residential zones. The development standards may be adjusted or modified only insofar as this Title authorizes modifications to development standards under Chapter 17.50 Design Review, Chapter 17.53 Variances, and the provisions below.

A. Density.

Density standards are expressed in dwelling units per acre (See 17.62 "Density") and establish the maximum number of units allowed in each specific zone unless you are developing in the Campus Residential (CR) which provides for an alternative density based standard using the calculation of occupancy per acre through the CUP process.

B. Lot Size.

Minimum lot size shall conform to the lot standards in this Chapter.

C. Setbacks.

The minimum setback standards apply to all uses allowed within the Neighborhood Residential zones, except as follows:

1. Fence and retaining wall heights and locations are subject to Chapter 17.37, Supplemental Development Standards.
2. Additional setbacks may be required through Design Review or Conditional Permit approvals.
3. Canal Setbacks. All structures shall adhere to a minimum fifteen (15) foot setback from the top edge of all canals unless the canal company permits an alternative setback.

Figure 15.15.010.C.1: Fence Heights

D. Height.

The maximum height standards apply to all primary and accessory uses and structures allowed within the residential zones, except that the following may exceed the stated height limits by ten (10) feet: public water towers; penthouse structures for elevators, stairways; skylights; steeples; flag poles; and chimneys. Utility poles and public safety facilities may exceed height limits with a Conditional Use Permit.
§17.15.120 Campus Residential (CR) Development Standards

**Residential Density**

<table>
<thead>
<tr>
<th>Units/Acre (max)</th>
<th>40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupants/Acre (max) w/CUP</td>
<td>240</td>
</tr>
</tbody>
</table>

**Site**

<table>
<thead>
<tr>
<th>Lot Size (min)</th>
<th>6,000 ft²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width (min)</td>
<td>60'</td>
</tr>
<tr>
<td>Coverage (max)</td>
<td>60%</td>
</tr>
</tbody>
</table>

**Setbacks**

A. Front (min) 10'

1. Front – Opposite NR Zones 25'
2. Side - Common Wall (min) 0'
3. Side - Non Common Wall (min) 8'
4. Side Adjacent to NR Zones 25'
5. Rear (min) 10'
6. Rear Adjacent to NR Zones 25'

(See Section 17.14.050 for additional setback requirements if adjacent to a residential zone.)

**Building Frontage**

- % at front setback (min) 50%
- % at side setback NA

**Parking**

- Residential 1 parking stall per occupant

(Unless an Alternative Parking Plan is approved)

**Parking Setbacks**

- Parking – Front (min) 10'
  (setback measured from the longest portion of front wall plane of the primary structure)

**Land Set Asides (17.35.020)**

- Open Space 20%
- Useable Outdoor Space 10%

**Non-residential Uses in CR**

- Non residential uses shall not exceed 25% of total first floor square footage and shall be located on ground floor only (see use table).

**Building Form**

**Heights**

- Primary Building Height 55'
- Fences - Front (max) 4'
- Fences – Side/Rear (max) 6'
- Stoop / Porch (min-max) 2’-4’
- Floor Height (floor to ceiling) Commercial use on ground floor 12'

**Roofs**

- Roof Types Flat or Sloped
- Sloped Roof Pitch (min) 5:12
  (Flat roof requires Track 2 approval)
- Roof Overhang 1'

**Parking Location**

- Location Rear or Side Structure Above/ Below/ Behind
  (See Parking Location Figure 17.15.120)
- Surface Rear or Side
17.62: Definitions

does not include facilities or uses which house or serve adjudicated youth offenders, proctor homes, group homes serving as transitional facilities for criminally convicted persons, or other group homes as defined by State or Federal law or regulations (see “group home”).

“Condominium” means a building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

“Convenience Market (no gasoline)” means a retail establishment of up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, and limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Convenience Market (gasoline)” means a retail establishment of up to 5,000 square feet selling petroleum products as well as food products, household items, newspapers and magazines, candy, and beverages, and limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Copy Center” means a facility established for the use of copying and/ or scanning devices, typically for profit.

“Critical Lands” means an area shown on the Official Critical Lands Map and classified under 17.31.040.

“Dancehall or Nightclub” means a business selling liquor and meals and in which music, dancing, or entertainment is conducted.

“Days” means calendar days, unless specifically stated as working days.

“Decision-Making Body” means a person or group authorized in the Land Development Code to conduct land use reviews and take action on the matter under review.

“Density” means the number of dwelling units per acre of land area. Density may also be expressed as the amount of land area per dwelling unit. Unless otherwise stated, any reference to density means “gross” density calculation. Density is calculated as a factor of number of units ÷ acreage. For example, a project containing 20 units located on 5 acres has a gross density of 4 units per acre (20 ÷ 5 = 4) (See also "Gross Buildable Acre"). In the Campus Residential zone, density may also be expressed as occupants per acre through an alternative review process (CUP) and in compliance with minimum standards in Section 17.12.110.

“Department” means the Department of Community Development. Other departments, divisions, or agencies are referenced by name.

“Department or Discount Store” means a single store, or group of stores, selling merchandise at lower-than-usual prices.
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: March 15, 2016
FROM: Mike DeSimone, Director
SUBJECT: Ordinance 16-009 (Code Amendment: Campus Residential Density Modification)

Summary of Planning Commission Proceedings
Project Name: CR Density Calculation Modification
Request: Code Amendment
Project Address: City-wide
Recommendation of the Planning Commission: Approval with modification

On March 10, 2016, the Planning Commission recommended that the Municipal Council approve the following amendments to the Land Development Code (LDC): Sections 17.12 (Neighborhood Residential Zones), 17.15 (Specific Development Standards: Residential Zones), and 17.62 (Definitions) by providing an alternative process by which density is calculated using occupancy rather than dwelling units per acre in the Campus Residential zone.

Planning Commissioners vote (4 - 0):
Motion for Recommendation: E. Ortiz
Second: T. Nielsen
Yea: A. Davis, T. Nielsen, E. Ortiz, R. Price
Nay:

Attachments:
Staff Report (PC)
Ordinance 16-009
PC Meeting Minutes
REPORT SUMMARY...
Project Name: CR Density Calculation Modification
Proponent/Owner: Community Development Department
Project Address: Citywide
Request: Code Amendment
Type of Action: Legislative
Date of Hearing: March 10, 2016
Submitted By: Mike DeSimone, Director

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.12 (Neighborhood Residential Zones), 17.15 (Specific Development Standards: Residential Zones), and 17.62 (Definitions).

REQUEST
As you are all aware, a recent project reviewed by the PC (Blue Haven) included a request to amend the Land Development Code to provide an alternative method for calculating density utilizing occupancy as the base standard rather than dwelling units. The amendment request was rejected by the Planning Commission. The Municipal Council disagreed with the PC decision, but did not like the proposed language, and thereby directed staff to explore this concept further and craft alternative language providing for an alternative method in the CR zone. Staff work shopped the concept with the PC on February 25, 2016 and the Municipal Council on March 1, 2016. This item will be considered by the PC on March 10, 2016 as a public hearing item and is scheduled for the Municipal Council March 15, 2016 public hearing.

Currently in the CR zone, the maximum residential density is 40 units per acre while the maximum occupancy is six (6) unrelated individuals per unit. Elsewhere in the City, density varies by zone while occupancy remains constant at either three (3) unrelated individuals or one family per unit. The CR zone extends north from 4th North to 10th North between 5th East and 8th East, as well as extending north of 14th North and generally east of the Canal.

The proposal is to amend the Campus Residential zone to provide an alternative process for calculating the total density of a project. The proposed amendment to Section 17.12.110 includes the proposed language changes:

Residential projects choosing to develop based on an occupant per acre standard rather than the dwelling unit per acre standard shall:

1. Obtain a Conditional Use Permit;
2. Delineate the occupancy allocation per unit on the proposed development plan, including the submittal and approval of a floor plan during the CUP process;
3. Meet a minimum size of 70 square feet per single occupant bedroom and a minimum size of 110 square feet per double occupant bedroom;
4. Comply with Building Code requirements for habitable areas and minimum room sizes;
5. Comply with all other Land Development Code requirements.

As we evaluated this concept and researched other jurisdictions, this is definitely a different way of calculating the overall density of a project. We came across only a small handful of other jurisdictions who utilize this concept in a relatively narrow manner. However, in evaluating this approach, it really is not substantially different, especially in the CR zone where projects are generally being built to accommodate individuals (students), in calculating density using an occupancy standard rather than a per unit standard.

Conditional Use Permit versus Overlay Zone - we chose the Conditional Use Permit as it provides an additional level of scrutiny whereby the PC can evaluate the project and condition is appropriately. The Overlay Zone adds a second layer of review through the Municipal Council as it is a rezone type of action; however, it does not give the City the ability to place project specific conditions on a site if merited.

The criteria requires a project proponent to submit specific floor plans delineating where their specific occupancy is going to be allocated during the design review/CUP process while the minimum bedroom sizes helps further define minimum occupant loads. The project will also be required to meet minimum Building Code requirements for habitable spaces and minimum room sizes as well comply with the Land Development Code for such things as parking, setbacks, building heights, open space/landscaping, etc.

It is important to note that this alternative method does not give a project anything beyond the method with which density is calculated nor does it mean an increase in the overall occupancy of a project. If a project site can accommodate 240 individuals using all 6 bedroom apartments, than there is really no difference if a project can accommodate 240 individuals using a combination of 1, 2, 3, 4, 5 & 6 bedroom apartments. A project still has to comply with all of the minimum design and development standards established in the Land Development Code and elsewhere.

The proposed language changes in Section 17.15.120 and 17.62 are supportive of the changes discussed above.

GENERAL PLAN
The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments are relatively minor in nature, are consistent with the General Plan, and furthers the goals of the Plan by encouraging the densification of the Campus Residential zone.

STAFF RECOMMENDATION AND SUMMARY
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
Legal notices were published in the Herald Journal on February 19 & 25, 2016, posted on the City's website and the Utah Public Meeting website on February 29, 2016, and noticed in a quarter page ad on February 21, 2016.

AGENCY AND CITY DEPARTMENT COMMENTS
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 Amendments provides an alternative method of calculating project density in the Campus Residential zone using occupants per acre versus dwelling units per acre.
4. The Campus Residential zone permits an occupancy of six (6) unrelated individuals per unit. The maximum density in the Campus Residential zone is 40 dwelling units per acre.
5. The intent of the Campus Residential zone is to densify student housing adjacent to Utah State University.
6. The provision of an alternative method for calculating project density in the Campus Residential zone requires compliance with the adopted Building Codes and Land Development Code.
7. The use of the Conditional Use Permitting process to review the alternative method for calculating project density in the Campus Residential zone allows for site specific review and conditioning to mitigate for any potential impacts.
8. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
9. No public comment has been received regarding the proposed amendment.

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.
STATE OF UTAH
COUNTY OF CACHE, ss

On this 21st day of March, A.D. 2016 personally appeared before me JAIME MAW who being first being duly sworn, deposes and says that (s)he is the Principal Legal 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 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:
03/20/2016

Principal Legal Clerk

Subscribed and sworn to before me on this 21st day of March, A.D. 2016

Notary Public
Commissioned in the State of Utah
My Commission expires 10/18/2019

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL
SUMMARY OF AN ORDINANCE - The following ordinance was adopted and approved by the Logan Municipal Council, Logan, Utah on March 15, 2016.
ORD. 16-09 An ordinance amending the Land Development Code Chapters 17.12, 17.15 & 17.62 to modify how density is calculated in the Campus Residential (CR) Zone.
This ordinance is effective immediately upon publication. Full text of the ordinance can be reviewed at the office of the Logan City Recorder, City Hall, 290 North 100 West, Logan, Utah during regular business hours.
Teresa Harris, City Recorder
Publication Date: March 20, 2016
The Logan City Planning Commission will hold a public hearing to receive input on the following:

**PC 16-012 LDC Amendment – 17.12, 17.15 & 17.62 CR Density** [Code Amendment] Logan City requests to amend the Land Development Code Chapters 17.12, 17.15 & 17.62 to modify how density is calculated in the Campus Residential (CR) zone. The change would provide an alternative process, enabling projects to utilize a density calculation based on an occupant per acre standard in addition to the traditional unit per acre standard.

The Municipal Council is tentatively scheduled to hold a workshop on Tuesday, March 1, 2016 and a public hearing on Tuesday, March 15, 2016. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm.

Contact the Department of Community Development at 716-9021 or [www.loganutah.org](http://www.loganutah.org) for more information.