THE REVISED LAND DEVELOPMENT CODE COMPONENT #3: REPEALING TITLE 16, SUBDIVISIONS AND AMENDING TITLE 17 TO ADD SUBDIVISION REGULATIONS; REPEALING CHAPTER 17.32, ADMINISTRATION; ADDING ARTICLE VI, ADMINISTRATION, COMPRISED OF CHAPTERS 17.32 THROUGH 17.44 TO THE LOGAN MUNICIPAL CODE FOR ADMINISTRATION OF THE LAND DEVELOPMENT CODE ADDRESSING PROCESS FOR APPLYING FOR USE PERMITS, SUBDIVISIONS, BOUNDARY LINE ADJUSTMENTS, DESIGN PERMITS, MINISTERIAL PERMITS, APPEALING DECISIONS OF THE STAFF, THE BOARDS, COMMISSIONS, OR COMMITTEES, AND ENFORCEMENT; RECHAPTERING AND AMENDING PORTIONS CHAPTER 17.39 NONCONFORMITIES TO CHAPTER 17.47 FOR PURPOSES OF ORGANIZATION; AND RECHAPTERING CHAPTER 16.08, STANDARDS AND SPECIFICATIONS—IMPROVEMENTS AS CHAPTER 17.27, STANDARDS, SPECIFICATIONS, AND IMPROVEMENTS.

The Municipal Council of the City of Logan does ordain as follows:

Section 1:

The Municipal Council finds and declares:


2. The Municipal Council is empowered by State Statute to receive zoning and subdivision regulations from the Planning Commission for purposes of enacting a land development code encompassing such regulations.

3. The provisions codified in this ordinance represent the administration processes for the City as a part of the new Land Development Code.

Section 2:

Title 16 of the Logan Municipal Code is hereby repealed.

Section 3:

Chapter 16.08 of the Logan Municipal Code is rechaptered as Chapter 17.27 as follows:

Chapter 17.27: Standards and specifications, improvements.

17.27.010 Standards and specifications. All improvements shall be constructed to the City’s Standards and Specifications as approved by the Director of Public Works.
17.27.020 Lots. A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography, to the character of surrounding development, and to existing site development standards.

B. All lots shown on the subdivision plan must conform to the minimum requirements of the zoning district in which it is located.

17.27.030 Blocks. A. The maximum length of blocks shall be not more than thirteen hundred feet. In blocks over eight hundred feet long there shall be provided a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet wide.

B. The width of blocks generally shall be sufficient to allow two tiers of lots.

C. Irregularly shaped blocks indented by cul-de-sac containing interior spaces, will be acceptable when properly designed and fitted to the overall plan and when adequate provision for the maintenance of public areas is provided.

D. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

17.27.040 Parks, school sites, public places. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other areas for public use. Any provision for such open spaces should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

17.27.050 Improvement security. The improvements required by this title shall be installed by the subdivider as approved by the Planning Commission and accepted by the city engineer and mayor. Immediately prior to filing of the final plat by the subdivider, he shall either:

A. File with the engineer improvement security in the amount of one hundred ten percent of estimated improvement costs. The security shall be either cash, certificate of deposit, a letter of credit from a recognized financial institution insured by the federal government, an escrow account established in an approved institution, or a bond from a Moody's or Standard and Poors investment grade-rated surety company sufficient to assure installation and completion of the improvements. The value of the security to the city shall be equal to one hundred ten percent of the estimated value of the improvement costs as determined by the city engineer. The security interest shall be held by the city until improvements are completed. The city engineer shall release up to one hundred percent of the security—plus accrued interest. Ten percent of the security and accrued interest shall be held for the two-year guarantee period, after which the remaining funds and accrued interest shall be released by the city engineer; or

B. If the total of all improvements for which security is to be posted is less than one hundred thousand dollars, the city engineer may, at his option and based on the credit-worthiness or past performance of the subdivider, accept a first mortgage on the entire subject property as it is described prior to subdivision. Such security may be accepted under the following criteria:

1. The subdivider shall provide an independent appraisal prepared by an appropriately certified appraisal professional showing the value of the property, and

2. The city's security shall be equal to at least the amount of the improvements plus twenty percent, and

3. The city engineer shall approve the bid specifications and amounts.
4. The subdivider shall provide an ALTA lender's title insurance policy in the city's name.

C. The city may partially reconvey portions of the subject property upon sale, provided that the improvements have been completed for the lots to be conveyed or that a proportion of the proceeds from the sale of the property equal to one hundred twenty percent of the cost of improvements necessary to serve the property subject to sale are placed into an escrow account controlled by the city to be used to pay for the improvements. Upon completion of the improvements, the city shall release funds from the escrow account to cover the cost of improvements provided that an amount equal to ten percent is retained for the warranty. The Director of Community Development and Director of Public Works shall prepare administrative procedures for the approval of the Mayor to implement this provision.

17.27.060 Guarantee. Subdivision improvements shall be guaranteed for a period of two years after the date of placement. The improvements will be guaranteed against settlement, break up and lack of adequate drainage.

17.27.070 Waterlines and fire hydrants. A. Water distribution systems shall be constructed by the developer to the Department of Public Works Standards and Specifications as approved by the Public Works Director.

B. Water Pressure. Increases or decreases in water pressure from that existing in the culinary water system prior to installation is the responsibility of the subdivider or home owner. Adequate flow of a minimum pressure of twenty pounds at any point in the subdivision shall be the responsibility of the subdivider.

17.27.080 Sewage disposal. The sanitary sewer collection system shall be constructed to the Department of Public Works Standards and Specifications as approved by the Public Works Director.

17.27.090 Bridges. The subdivider shall install all culverts and bridges designed to the Department of Public Works Standards and Specifications as required by the Public Works Director.

17.27.100 Sidewalks. The subdivider shall construct sidewalks at locations as specified in the Department of Public Works Standards and Specifications as required by the Public Works Director.

17.27.110 Stormwater, stormwater detention, stormwater retention. Adequate provision shall be made for the retention, detention, or discharge of stormwater, ground water, surface water, subsurface drainage, and roof runoff as required by the city engineer.

17.27.120 Street trees. Street trees shall be required by the Planning Commission as a condition of subdivision approval. The tree species shall be as specified by the City Forester.

17.27.130 Monuments. Monuments of iron pipe, not less than three-quarters of an inch in diameter and two feet in length, shall be set in accordance with requirements of standard City construction plans and drawings at street or alley intersections, angle points in subdivision boundary survey, at all changes in alignment in street lines, and in such other points as required by the City Engineer.
**Ordinance: 98-16** • An ordinance enacting Article VI of the Land Development Code, Administration with policies, procedures, and enforcement standards

17.27.140 Electric power and street lights. The subdivider shall be required to provide for power and telephone distribution lines and service lines and street and yard lighting under specifications as required by the Department of Public Works and Light and Power Department and pay the fees established by the City.

Section 4:
Chapter 17.32 of the Logan Municipal Code is hereby repealed.

Section 5:
Chapter 17.39 of the Logan Municipal Code is hereby repealed to be re-adopted within Section 7 of this ordinance.

Section 6:
Subsections 17.29.080(1), 17.29.080(2), 17.29.080(3), and 17.29.080(4), landscaping improvement security requirements and procedures are repealed and replaced with §17.44.030, Improvement Security.

Section 7:
Article VI, Chapters 17.34 through Chapter 17.49 are hereby added to the Logan Municipal Code as codified beginning on Exhibit A, “Article VI, Administration,” pages 157 to 214.

Effective date
This ordinance shall become effective upon publication in a newspaper of general circulation in the City of Logan.

PASSED BY THE CITY OF LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS FOURTH DAY OF MARCH, 1998,

Karen Borg, Council Chair

ATTEST:
Lois Price, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the City of Logan Municipal Council to the Mayor for his approval or disapproval on the 18th day of March, 1998.

Karen Borg, Council Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby APPROVE, this 18th of March, 1998.

Douglas E. Thompson, Mayor
EXHIBIT A

CITY OF LOGAN

LAND DEVELOPMENT CODE
COMPONENT #3

ARTICLE VI, ADMINISTRATION

The following Exhibit is comprised of the pages as printed from the Master Publication version of the Land Development Code and consists of pages 147 to 214 on the February 19, 1998 version of the document as recommended for adoption by the Planning Commission at its meeting of February 12, 1998.
Article VI: Administration
Chapter 17.34: Permit Authority

§17.34.010. Purpose.

Permit review procedures are intended to provide an opportunity for a property owner to learn and understand the development standards and regulations of the City prior to initiating development of a site. The various permits are intended to provide the City with an opportunity to work with a property owner in ensuring safe development that meets City standards.

§17.34.020. Application review standards.

Standards for approving, conditionally, approving or denying any project are contained within the specific provisions of this Article. Table 17-16 identifies the decision-makers and appeals boards for all project and application types.

<table>
<thead>
<tr>
<th>Project Type</th>
<th>Chapter</th>
<th>Applications heard by:</th>
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<tbody>
<tr>
<td>Subdivisions</td>
<td>Chpt 17.35</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Boundary Line Adjustment</td>
<td>Chpt 17.36</td>
<td>City Engineer</td>
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<tr>
<td>Design Review, all other projects</td>
<td>Chpt 17.38</td>
<td>Planning Commission</td>
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<tr>
<td>Conditional Use Permit</td>
<td>Chpt 17.37</td>
<td>Planning Commission</td>
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<tr>
<td>Variances</td>
<td>Chpt 17.41</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>Amendments to Land Development Code</td>
<td>Chpt 17.39</td>
<td>Planning Commission</td>
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<tr>
<td>Amendments to the Official Zoning Map</td>
<td>Chpt 17.39</td>
<td>Planning Commission</td>
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<tr>
<td>Amendments to the General Plan</td>
<td>Chpt 17.40</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Appeals of Staff decisions</td>
<td>Chpt 17.45</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>Appeals of Staff General Plan</td>
<td>Chpt 17.45</td>
<td>Municipal Council</td>
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<tr>
<td>Appeals of Boundary Line Adjustments</td>
<td>Chpt 17.45</td>
<td>Board of Appeals</td>
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<tr>
<td>Appeals of Subdivisions, Design</td>
<td>Chpt 17.45</td>
<td>Board of Appeals</td>
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<td>Review, Use Permits, or Planning</td>
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<td>Commission decisions</td>
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<tr>
<td>Appeals of Amendments to the Land</td>
<td>Chpt 17.45</td>
<td>District Court</td>
</tr>
<tr>
<td>Development Code, Official Zoning</td>
<td></td>
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<tr>
<td>Map, General Plan, Variances, or</td>
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<tr>
<td>actions of the Board of Appeals</td>
<td></td>
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</tr>
</tbody>
</table>

74/Residences for which any portion of the building envelope is higher than 4,950' elevation, unless as otherwise indicated on the subdivision plat map.

75/The Planning Commission makes a recommendation to the Municipal Council.
§17.34.030. Permit required before proceeding.

The construction, alteration, repair, removal, use or occupancy of any site improvements, site development, structure, or any part thereof shall not commence or proceed until the issuance of an appropriate permit(s).

A. Complete applications.

Permit applications shall be reviewed for any proposed use, construction, or action only after a complete application, plan, or description has been accepted by the appropriate department. Permits shall be issued following a review to ensure that the proposed project is in compliance with the Logan Municipal Code.

B. Permits issued only for complying projects.

Permits shall be issued only upon the approval of a site plan meeting the requirements of the Department of Community Development and the Uniform Building Code. The Chief Building Official, in association with the Public Works Director, City Engineer, and the Director of Community Development, shall prepare a list of the requirements for site plan submittal. In order to obtain a permit, the project must comply with all applicable standards, specifications, and code requirements.

C. Site plan review required.

1. All site plans shall be reviewed and signed by representatives of the City’s development-related departments as directed by the Mayor.
   a. Generally, the development departments within the City include, and are not limited to: Building Inspection Division, Planning and Zoning Division, Department of Public Works, City Engineering, Street Division, Light and Power Department, Water and Sewer Divisions, Environmental Health Department, and Fire Department.
   b. Other departments may be required to review site plans if the proposed project involves their areas of responsibility.

2. Any Department may require additional studies or plans as necessary to review or address site specific conditions.

3. Site plans for multiple family dwellings of three or more units, all commercial, all industrial, and non-residential development shall be prepared by a professional appropriately licensed within the State of Utah. Site plan shall be based upon a record survey that shows accurate dimensions, the location of all monuments, existing buildings, location of utility structures and lines, and all easements and rights-of-way.

D. Compliance with discretionary conditions required prior to building permit.

When a project has been before the Planning Commission, Design Review Committee, Historic Preservation Committee, Board of Adjustment, or the Municipal Council, no permits shall be issued until the Director of Community Development or designee has confirmed in writing that the project is in compliance with all appropriate conditions.
§17.34.040. Creation of building site.

A. Lots shall be legally existing.
Permits for the construction, alteration, use or occupancy of any building, structure or part thereof upon any tract or plot shall be issued only after a building site or lot has been created in compliance with the provisions of the Logan Municipal Code:
1. The record lot was created in full compliance with the provisions of subdivision and zoning regulations within the Logan Municipal Code and Utah law.
2. The lot is all or part of a preliminary or final plat map or site plan officially approved by the City. The site has been or is being developed in conformance with City requirements for all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting including the designation of building areas, dedication of easements, alleys, streets, and other property required to be dedicated.

B. Certificate of occupancy, approval to use or occupancy.
No land shall be used or occupied, no building shall be used or changed in use, until a Certificate of Occupancy has been issued by the chief building official. Certificates of Occupancy may be issued only after the Director of Community Development or designee has issued a clearance indicating that the permit holder has complied with all appropriate conditions imposed on the project.

§17.34.050. Public dedications.
The owner may be required to dedicate public rights-of-way, streets, utility easements or rights-of-way, parklands, trail easements, water rights, or other lands for public purposes as may be defined in the Logan Municipal Code or the City’s General Plan and other master plan documents.
Chapter 17.35: Subdivisions

§17.35.010. Purpose.
The purpose of regulating subdivisions is to ensure orderly development of the City of Logan, protection of the public health, safety, and general welfare; to ensure that new lots are adequate in size, shape, design, and topography to accommodate conforming development; and to protect the character of area neighborhoods.

§17.35.020. Standing to apply.
Any owner of real property proposing to create a subdivision of one or more lots shall follow the procedures in this chapter.

§17.35.030. Procedures, reports, and hearings
Subdivisions are processed under the provisions of Chapter 17.43 and the requirements of this Chapter. Applications for subdivisions are heard before the Planning Commission as required by State law and this Code.

A. Department of Community Development standards and procedures.
The Director of Community Development shall prepare administrative procedures and requirements to ensure that the Planning Commission has adequate information from which it may make a decision about the proposed subdivision.

B. Public Works standards and procedures for infrastructure.
The Director of Public Works shall prepare administrative procedures and requirements to regulate and monitor the construction of infrastructure required as part of subdivision design and development.

C. Other department standards and procedures.
The directors of other departments participating in the subdivision process shall prepare administrative procedures and requirements related to the departmental needs in reviewing subdivision design.

§17.35.040. Additional application requirements.
A. Preliminary plat map required.
In addition to the requirements in Chapter 17.43, a complete application for a subdivision shall include a preliminary plat map. The preliminary plat map shall depict the content required by the City's administrative procedures and the content specified by Utah Code §10-9-804. At a minimum, all preliminary plat maps shall be stamped and prepared by or under the supervision of a professional appropriately licensed to prepare plat maps in the State of Utah.

B. Contents of preliminary plat map.
The preliminary plat map shall include all of the following items and other items as may be required by the Director of Community Development or City Engineer:

1. The proposed name of the subdivision;
2. A title block that includes the following information:
   a. Name, mailing address, daytime telephone number of the subdivider;
   b. Name, mailing address, daytime telephone number of the record owner if different from the subdivider;
   c. Name, license type, license number, mailing address, daytime telephone number of the licensed professional preparing the plat map,
   d. The tax identification number(s) of the subject property proposed for subdivision,
   e. The official record number(s) of the current deed(s) for the property,
   f. The official stamp, signature, license number, and date of the person preparing the map,
3. A certificate with the signature of at least one record owner consenting to the filing of the preliminary plat map that states substantially the following:
   "I/we, the undersigned, do hereby affirm that I/we are record owners of the subject property proposed on this map for subdivision, and I/we consent to the filing of this preliminary plat map."
   The signature(s) shall be notarized and the date signed shall be identified on the preliminary plat map.
4. The location of perimeter property lines, streets, railroads, easements, buildings, water courses or other important features within or adjacent to the area;
5. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;
6. The location of existing sanitary and storm sewers, water mains, culverts and other underground structures; the location and size of the nearest water main and sewer outlet are to be indicated on the plan;
7. The proposed name, location, and width of streets, alleys, lots, easements, building setback lines, utilities, parks, and other common spaces;
8. The preliminary plat map shall show the location of all hydrants and known sewer and water lines within two hundred feet of the subject property.
9. The names and addresses of the subdivider, the designer of the plan and the owners of the land immediately adjoining the land to be subdivided;
10. Date, north arrow, and an accurate bar scale;
11. Contour lines at appropriate vertical intervals if the area has irregular topography or if the Public Works Director requires them;
12. Description and drawing of the typical template for streets, roads, and utilities.
13. If the subdivider proposes to submit the final plat maps in units or phases, the unit or phase boundaries shall be shown on the preliminary plat. Failure to identify phases on the preliminary plat may require that the remaining unrecorded portion of the subdivision be reviewed by the Planning Commission when each subsequent final plat map is submitted for City review.

§17.35.050. Planning Commission action.

A. Required findings.

The Commission may approve a subdivision when it is able to substantiate the following findings:
1. The subdivision is consistent with the goals and policies of the Logan General Plan.
2. Each lot conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth.
3. Each lot is physically suitable for development, has an adequate buildings site, and will not require variances due to physical constraints in order to be developed.
4. The subdivision lots maintain or enhance neighborhood character.
5. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities.
6. The subdivision has been revised and amended by the conditions of project approval to respond to the issues raised by City Departments and public agencies, and to address legitimate concerns of the public.
7. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission.
8. Approval of the subdivision conforms to the requirements of Utah law.
9. If the subdivision is proposed to be completed in phases or units, the Commission may find that the subdivision can be completed in phases. This finding shall be required in order to provide a record of the approved phasing. The Department of Public Works shall make a recommendation on the location of phasing lines to ensure construction of infrastructure and utilities meets the requirements of the Department.
10. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City.

B. Failure to substantiate findings.

The Commission may deny a proposed subdivision when it is not able to find facts in the record to substantiate the required findings in this section.
C. Modification of plat maps
The Commission may modify a preliminary plat map, including the
elimination and resizing of lots, if it finds that the modifications or
conditions imposed result in better design, layout, site development, or to
satisfy development policies.

§17.35.060. Final plat map or final plat map waiver.
A. Final plat map required
Following action to approve or conditionally approve the simple
subdivision, the subdivider shall have a professional appropriately
licensed in the State of Utah prepare a plat map for the subdivision.

B. City engineer may waive the final plat map requirement for a two-lot
subdivision.
1. The City Engineer may waive the final plat map requirement for a sub­
division of two lots.
2. The City Engineer may require preparation of construction plans when
appropriate.
3. If the subdivision is comprised of two lots and the subdivider intends to
create the lots by metes and bounds descriptions, the deed shall
include a certificate signed by the Director of Community Development
as required by Utah Code §10-9-806 and as listed in Explanation 17.14.
4. The Director of Community Development shall not sign the instrument
unless and until it has been verified that all appropriate conditions
have been satisfied and the subdivision has been approved by the City
Engineer.

§17.35.070. Final plat preparation.
A. Final plat preparation
Following action to approve or conditionally approve the subdivision, the
subdivider shall comply with conditions imposed by the commission and
prepare a final plat map for recordation. The final plat map shall include
the provisions of Utah Code §10-9-804. At a minimum, and in addition to
any requirements established by the City, the map shall include:
1. The boundaries, course, and dimensions of the lots;
2. Identification of which portions of the subdivision plat are to be used for streets, rights-of-way, or to be used or reserved for other public purposes;

3. The lot number, temporary address, and length and width of the blocks and lots; and

4. Existing right-of-way and easement grants of record for underground facilities, as defined in Utah Code §54-8a-2, and for other utility facilities.

5. The construction drawings and specifications shall be prepared by or under the supervision of a professional engineer licensed to perform such work in the State of Utah.

B. Final plat map certificates.

The final plat map shall include the following certificates and acknowledgments as specified by the City and Utah Code §10-9-804:

1. The owner of the land shall sign the original plat map before a Notary Public;

2. The surveyor making the map or plat shall certify it;

3. If the final plat map identifies new locations for underground or utility facilities that are shown or described on the map in conformance with the requirements of Utah Code §10-9-804, the owner or operator of the underground and utility facilities shall approve the map or plat of its property interest. This is required only if the final plat specifies:
   a. the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; and
   b. the location of existing underground and utility facilities; and
   c. any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.

4. Location of all monuments required by the City Engineer or State requirements;

5. The following dedications, certificates and acknowledgments shall be shown on the map and shall empower the person responsible for signing the certificate to require the subdivider to submit any records, calculations, title reports, deeds, property tax records, or other documentation necessary to verify conformance with subdivision requirements.
   a. Licensed land surveyor's certificate of survey,
   b. Owner's dedication certificate,
   c. Notary public's acknowledgment,
   d. City Attorney's certificate of approval,
   e. City Engineer's certificate of approval,
   f. Director of Community Development's certificate of approval,
   g. The Mayor's certificate of approval,
   h. Certificate of the County Recorder;
6. The final plat shall be accompanied by copies of any private covenants, conditions, and restrictions (CC&Rs) proposed or required to be recorded for the purpose of providing regulations governing the use of the land.

7. The final plat shall be accompanied by construction plans stamped by a professional engineer licensed to practice in the State of Utah and shall be drawn as approved by the City Engineer.

8. When the final plat has been prepared to the State and City specifications, when all conditions, requirements, and modifications have been satisfied, the City shall approve the plat map and cause it to be recorded. Before the City may approve the final plat, the owner of the land shall provide a tax clearance from Cache County indicating that all taxes, interest, and penalties owing on the land have been paid by means of a Preliminary Title Report.

9. The City attorney shall be required to verify that the map meets the requirements of Utah statute and this title in terms of form, certificates, title, ownership, and release of liens.

10. The Director of Community Development shall be required to review and ensure that the subdivider has complied with all conditions of this Title and as imposed as a result of the Planning Commission’s action or the appeal, if any.

11. If required by the City Engineer, the final plat map shall be accompanied by a full and complete drawing on computer diskette readable in the current version of AutoCADD®, ArcInfo®, or as a “DXF” or similar file readable at scale by the City’s engineering computer and geographic information system software. Such disks and computer files shall be considered proprietary information between the originating engineer or surveyor and the City and shall not be made available as public documents.

C. Phasing the recordation or completion of a subdivision.

1. If the proponent elects to complete the subdivision by filing multiple final plat maps for units or phases of the project and more than one year will separate the filing of any one unit or phase from another, the Planning Commission shall review each subsequent unit or phase of the subdivision.

2. If the preliminary plat map does not identify phases or units for the subdivision, each subsequent phase or unit shall be reviewed by the Planning Commission.

D. Recordation.

After the map or plat has been acknowledged, certified, approved, and all development agreements executed, the owner shall provide the City with funds payable to Cache County for the recordation of the map and the City Engineer shall cause the final plat map to be filed and recorded in the county recorder’s office. All applicable fees and taxes shall be paid prior to the filing of the final plat map. The subdivider shall execute a
development agreement for completion of subdivision improvements prior to the recordation of the final plat map. The development agreement shall be recorded with the map and shall run with the land until the completion of all improvements. The City Engineer may require a notation on the final plat concerning assessments or completion of improvements that may occur more than twelve months after recordation of the plat.

§17.35.080. Subdivision monumentation.

This section shall be implemented when the City Engineer finds that the City control network is adequate to meet the standards required by these regulations.

A. All maps shall use horizontal control points.

All plats, maps and other documents submitted to the City describing legal boundaries of lands within the corporate limits of the City of Logan shall be tied to the horizontal control network and meet the minimum requirements in 17.35.080C. This requirement applies to:

1. Subdivisions,
2. Townhome, planned unit development, or condominium developments,
3. Annexations,
4. Road or right-of-way dedications,
5. Commercial developments,
6. Boundary line adjustments, and
7. Records of survey
8. Any other maps or legal descriptions as found necessary by the City Engineer to be required to generate legal descriptions with horizontal control network ties.

B. Maintenance of the horizontal control network data and maps

Updated copies of the control diagram, with coordinates, station descriptions and other documents pertaining to the horizontal control network shall be maintained in the office of the City Engineer and a copy of each document shall be available for review and copying, upon request, for a fee to be established by the City from time to time.

C. Minimum requirements.

All final plat maps, survey maps, and other documents containing official maps or legal descriptions shall meet the following minimum requirements for preparing legal descriptions:

1. Survey ties shall consist of the grid azimuth (or grid bearing), ground bearings, and grid and ground distances from established horizontal control network stations to monumented corners of the lands being platted or surveyed. These ties are to be shown as straight lines and shall be executed to an accuracy of one part in 40,000 parts. Ties should be established by means of a closed traverse which includes at least two Horizontal control network stations and two monumented corners of the land being platted, surveyed or described (the distance between the two monumented corners of the lands being surveyed
must be at least 25% as long as the longest distance across the land being surveyed). In all cases it shall be noted upon the plat or map the accuracy obtained and the adjustment procedure used. In the event of a discrepancy between adjacent surveys additional information may be required from the certifying surveyors;

2. Coordinates of the two monumented comers, as described above, in addition to those of the Horizontal control network stations from which the survey ties originate, are to be shown by tabulation or other means on the plat or map. These coordinates are to be designated (East), (North) and (Elevation) both ground and grid coordinates are to be shown. All exterior boundary points and any monumentation points required by the City are to be shown in the same format as above. Scaled drawing fine lengths should represent ground distances;

3. A grid azimuth (or grid bearing) shall be used as a basis of bearing for the survey and shall be clearly noted on the plat or map. Grid azimuths, grid bearings and grid distances shall always be shown in square brackets e.g. [N 0°00'00" E], [1000'];

4. Ground distances are to be used in descriptions and for calculating areas. Ground distances shall not be used to transfer state plane coordinates. All distances used for transfer of coordinates must be State Plane grid distances;

5. When a record description or portion thereof is retraced with a state plane description, there shall be included an explanation of the equivalent of the record description and the description based on a grid azimuth. The following statement shall be inserted in the legal description:

"the following description is the mathematical equivalent of the record description with all bearings converted to the description terms of the Utah State Plane – Rectangular Coordinate System."

All property descriptions shall relate through the chain of title to the original government patent for the property, the use of state plane information in descriptions shall be accomplished in such a way that the title chain is not broken;

6. The City shall not accept descriptions based upon a monument which has not been tied to the horizontal control network or has been displaced. It shall be necessary to tie or reestablish the monument through a procedure approved by the City using accepted surveying practices.

D. New stations in the horizontal control network.

Where a Land Surveyor deems it advantageous to establish a new horizontal control network station, the work shall be accepted subject to review and approval of the City Engineer. When accepted, the new station shall become a component of the horizontal control network.
1. New stations shall be marked by a substantial, immutable and easily discernible monument, adequately referenced to monuments or objects.

2. A sketch shall be drafted showing the station, reference monuments and/or objects, and other pertinent information to aid in the recovery of the station, including bearing, distance and description of reference monuments and objects.

3. The licensed Land Surveyor responsible for establishment of the station shall execute a certificate, which may be included on the aforementioned sketch or on an attached document, regarding the procedures used, the accuracy obtained, and the correctness of the work.

4. The position of new Horizontal control network stations shall be determined by ties to at least two established Horizontal control network stations, the ties being executed to an accuracy of not less than one part in 100,000 parts. There shall be a statement on the plat or document indicating the adjustment procedure used and the accuracy obtained.

§17.35.090. Completion of subdivision improvements.

No subdivision final plat map or deed shall be recorded until all required improvements have been completed (or improvement security is posted meeting the requirements of this Title) to the standards and specifications established by the City or other codes, laws, or regulations. In addition the following minimum requirements apply and may be added to by the City Engineer or the Planning Commission:

A. Construction within the subdivision shall conform to all applicable federal and state regulations.

B. Construction drawings and construction within the subdivision shall conform to the Department of Public Works Standards and Specifications. This document shall be available in the office of the City Engineer.

C. A right of way construction permit shall be obtained for all work within existing right of ways.

D. There shall be a schedule of fees in the office of the Public Works Director. All fees within the schedule of fees shall be passed by a resolution of the City Council.

E. Before obtaining any permits each contractor must submit proof of the following:

1. Utah State contractor's license;
2. Performance bond as required by this Title;
3. Liability insurance;
4. Vehicle insurance;
5. Worker's compensation insurance.
F. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent of the cost of any fees and permits plus one thousand dollars.

G. A preconstruction conference with the City Engineer may be required not less than forty-eight hours prior to the commencement of construction activities.

H. The contractor shall notify the Public Works department not less than forty-eight hours prior to the commencement of construction.

I. Within thirty days of the completion of improvements, the subdivider shall submit "as built" drawings of subdivision improvements prepared by or under the supervision of a professional licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

§17.35.100. Dedication of water rights (reserved).
Chapter 17.36: Boundary line adjustments, vacation, or amending of a subdivision plat map

§17.36.010. Purpose.
Boundary line adjustment, vacation of subdivision lots, or amending subdivision plat maps procedures are intended to provide a streamlined and simplified method of complying with State law while allowing flexibility for property owners to adjust lot lines or combine lots within the limits of this Chapter.

§17.36.020. Standing to apply
Any adjoining property owners who submit an application, proposed map, and proposed legal descriptions for a boundary line adjustment shall have standing to submit a complete application to the City Engineer for the boundary line adjustment, subdivision vacation, or changing a subdivision plat. The City Engineer is empowered to approve, conditionally approve, or deny boundary line adjustments.

§17.36.030. City Engineer responsibilities
A. Preliminary review
The City Engineer shall review the application to ensure that it is complete. Before a hearing shall be scheduled, the City Engineer shall be required to substantiate the following:
1. The change in boundary lines does not result in the creation of a new lot or parcel.
2. The proposed change to a lot does not result in the creation a lot of size or shape that does not conform with City zoning regulations and site development standards. If the proposed change is to a legally existing non-conforming lot, the change may not increase the nonconformity.
3. The proposed change to a lot does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site development requirement.
4. The petition to change the boundaries include signatures from representatives of each lot or parcel affected by the boundary line adjustment, and any necessary signatures from holders of liens, mortgages, or easements affected by the boundary line adjustment.

B. Distribution and City review.
After completion of the preliminary review, the City Engineer shall circulate a map of the proposed boundary line adjustment to the other City
development review departments or departments that may be affected by
the proposal for comments and recommended conditions, if any.

C. Failure to obtain signatures of representatives of owners of record
If the City Engineer determines that the application does not include
signatures from at least one record owner representing each parcel or lot,
the City Engineer shall follow the procedures prescribed in Utah law for
considering action on the proposed boundary line adjustment in Utah
Code §10–9–808.

§17.36.040. Public hearing required
The City Engineer shall hold a duly noticed public hearing in conformance
with requirements of Utah law. A written staff report as specified in
Chapter 17.43 shall not be required.

§17.36.050. Recordation of approved boundary line adjustment.
Following final approval by the City Engineer, the property owners shall
submit the executed deeds, any required maps, and other required
documentation to the City Engineer along with suitable payment for the
cost of recording the legal descriptions with the County Recorder. The City
Engineer shall record the deeds.

§17.36.060. Plat map may be required.
In conformance with Utah law, if a boundary line adjustment results in the
need for dedication of a public right–of–way or other public dedication, a
plat shall be required.

§17.36.070. Expiration.
Any boundary line adjustment that has not been presented for recordation
to the City Engineer within ninety days of the date of City Engineer
approval shall be deemed to have expired.
Chapter 17.37: Conditional Use Permits

§17.37.010. Purpose.
The purpose of this chapter is to provide a system for the discretionary consideration of applications for conditional use permits in order to preserve and enhance neighborhood character and to protect the public health, safety, and general welfare.

§17.37.020. Standing to apply.
Any property owner or a proponent with the written permission of the property owner may apply for consideration of a conditional use permit.

§17.37.030. Conditional use permits.
All requests for permits in districts which involve uses listed or otherwise categorized as a conditional use shall be required to apply for discretionary approval of a conditional use permit in conformance with this Title prior to the issuance of any building or occupancy permits, business licenses, or other entitlements.

§17.37.040. Procedures, reports, and hearings
Conditional use permits are processed under the provisions of Chapter 17.43 and the requirements of this Chapter. Applications for Conditional Use Permits are heard before the Planning Commission.

§17.37.050. Planning Commission action.
The Commission may approve or conditionally approve a conditional use permit only upon substantiating the following findings:
A. The maximum density established has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.
B. The conditional use permit conforms to the requirements of Title 17 of the Logan Municipal Code as an identified conditional use.
C. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
D. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.
E. The proposed use is compatible with neighborhood uses and character and preserves and enhances the character of the neighborhood.
F. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications.
G. The proposed use provides adequate off-street parking in conformance with this Title.

H. The project provides open space and landscaping in conformance with the General Plan and this title.

§17.37.060. Dedication of water rights (reserved).

§17.37.070. Abandonment or vacation of use.

Any use for which a conditional use permit was issued pursuant to this Title shall be deemed to be voided and no longer active or valid if the use for which the permit was issued is abandoned or vacated for a period of twelve consecutive months. This provision applies exclusively to conditional use permits issued by the Planning Commission.
Chapter 17.38: Design Review Permits

§17.38.010. Purpose
The purpose of design review is to implement General Plan goals and policies, and encourage better development design and enhance neighborhood character, prior to the issuance of any building permits.

§17.38.020. Residential Design Review Committee
Pursuant to Chapter 2.56.030C, the Municipal Council does authorize the creation of the Residential Design Review Committee.
A. The Committee shall review site layout, building design, and drainage for single family homes above the 4,950' elevation.
B. The Residential Design Review Committee shall follow the notice and hearing requirements of Chapter 17.43 and the requirements of this Chapter, except that no written staff report is required. The Record of Decision shall serve as the administrative record of proceedings.

§17.38.030. Standing to apply.
Any property owner or a proponent with the written permission of the property owner may apply for consideration of a design review permit. Design review permits are issued by the design review committee except as specified in §17.38.020.

§17.38.040. Design Review permits.
A. Design review permit required
The following developments require design review permits:
1. Single family dwellings located above the 4,950' elevation;
2. Attached single family dwelling;
3. Duplexes;
4. Multi-family residential buildings of three or more units;
5. Planned unit developments;
6. Subdivisions, for purposes of lot layout, lot dimensions, setbacks, street alignment, and review of building sites;
7. Commercial development;
8. Industrial development;
9. Recreation development;
10. Public development;
11. Freestanding signs.
B. Design review permit required for certain remodeling activities.
1. All remodeling of development in this section that results in an increase in building size by more than ten percent or ten thousand square feet, whichever is less;
2. Exterior remodeling or renovation that is found by the Director of Community Development to result in a significant change in the appearance of a structure from what currently exists.

§17.38.050. Procedures, reports, and hearings

Design review permits are processed under the provisions of Chapter 17.43 and the requirements of this Chapter. Applications for Design Review Permits are heard before the Design Review Committee, except that applications for design review of single family homes located above the 4,950' elevation shall be heard by the Residential Design Review Committee.

§17.38.060. Design Review Committee action.

The Committee may approve or conditionally approve a Design Review Permit only upon substantiating the following findings:

A. The maximum density established has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.

B. The design review permit substantially conforms to the requirements of Title 17 of the Logan Municipal Code.

C. The design is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

D. Will result in development of a project that will enhance or maintain neighborhood.

E. The streets providing access to the subject property have adequate capacities or a suitable level of service for the project.

F. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications.

G. The proposed design results in adequate off-street parking in conformance with this Title.

H. The project provides open space and landscaping in conformance with the General Plan and this title.

I. The design of the project and its site conform to the Design Review Guidelines.

§17.38.070. Criteria, conditions and modifications.

A. Use of draft design review guidelines.

Prior to adoption of the Design Review Guidelines, and following presentation of the Design Review Guidelines to the Planning Commission, the draft Guidelines may be used as a part of the review process for applications. This subsection shall expire upon adoption of the Final Design Review Guidelines.

B. Conditions and modifications.
In reviewing an application for a design review permit, the Committee may modify the project or impose conditions concerning site development, site design, and building design features to ensure conformance with the purpose of this section. The issues which may be reviewed include and are not limited to:

1. Size and location of site, including all adjacent property owned by the proponent;
2. Streets and roads in the area;
3. Ingress and egress to adjoining existing and proposed public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation system;
6. Fencing, screening and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting;
10. Noise, vibration, air pollution, and other development factors;
11. Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provisions of this Title.
12. No approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended by the Planning Commission.

§17.38.080. Dedication of water rights.

Water rights equivalent to the amount of increased water demand created by the conditional use shall be dedicated to the City as a conditional of approval. Any additional water rights dedicated to the property on which the subdivision is to be developed may be offered to the City for purchase at fair market value.
Chapter 17.39: Amendments to the Land Development Code and Official Zoning Map

§17.39.010. Purpose.
The Land Development Code may be amended from time to time in conformance with the provisions of this Chapter and Utah statutes. These petitions or applications shall be known as "zoning amendments." Applications to change the boundaries of zoning districts on the official zoning map are also processed by the regulations in this Chapter. A change of zoning district boundary is also an amendment to the Land Development Code.

§17.39.020. Application to amend.
A. Standing to apply to change boundaries of a zoning district (changes to the Official Zoning Map):
The following persons, groups, or officials are permitted to submit an application for a change in the boundaries of a zoning district resulting in a change to the Official Zoning Map:
1. The property owner or a group of property owners may apply to change the boundaries of lots of which each lot proposed for a change is represented by the signature of at least one owner of record.
2. An application to change the boundaries of any zoning district may be initiated by majority vote of the Planning Commission or the Municipal Council at a public meeting without either hearing or notice;
3. Any person may petition the Municipal Council to initiate an application to change the boundaries of any zoning district whether or not such petitioners are the owners of the subject property(ies) proposed for rezoning;
4. A request to change the boundaries of any zoning district may be proposed to the Planning Commission by the City Administration.

B. Standing to apply to amend the language of the Land Development Code.
The following persons, groups, or officials are permitted to submit an application for a change in the text language, graphics, or maps of the Land Development Code:
1. Any person may apply to change the language of the Land Development Code by submitting an application and paying appropriate fees;
2. An application to change the language of the Land Development Code may be initiated by majority vote of the Planning Commission or the Municipal Council at a public meeting without either hearing or notice;
3. Any person may petition the Municipal Council to initiate an application to change the language of the Land Development Code. The Municipal Council may require the payment of application fees by the petitioner;
4. A request to change the language of the Land Development Code may be proposed to the Planning Commission by the City Administration.

C. Process to initiate an application to amend the Land Development Code.

1. A request to initiate a change in district boundaries or the text of the Land Development Code shall be considered by the Planning Commission or the Municipal Council, depending on which body received the petition, at a public meeting,
   a. A public hearing is not required to consider the petition to initiate an amendment to the maps or text of the Land Development Code,
   b. Mailed notices are not required for the public meeting on a petition to initiate an amendment;
   c. Separate newspaper advertising other than normal meeting notices and agenda availability are not required.
2. The Planning Commission or Municipal Council shall consider the petition only on the basis of whether or not to create an application for the project that will bring the matter to a public hearing. The Commission and Council shall not debate the merits of the proposed amendment;
3. By majority vote of members present, the Commission or Council may accept the petition as submitted, amend or modify the petition to encompass other text changes or include or exclude lands from a district boundary change, or reject the petition,
   a. The action to accept, modify, or reject a petition may be taken without findings or conditions,
   b. The action to accept, modify, or reject a petition shall be final. There shall be no administrative appeal process;
4. An action to accept a petition or accept a petition with modifications initiates an application for a zoning amendment and formal public hearing process and shall not be construed as an endorsement or predisposition to action on the proposal.
5. The application shall be processed pursuant to this chapter with the “City of Logan” listed as the applicant.

§17.39.030. 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 17.43, except as directed for the Municipal Council in this Chapter.

B. Zoning actions are legislative in nature.

An action to change the district boundaries or the text of the Land Development Code shall not constitute 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.


The Planning Commission shall hold a public hearing at which it considers the staff report, the application of the petitioner, and comments by interested members of the public or other organizations.


The Commission may recommend that the Municipal Council approve an amendment to the Official Zoning Map or the text of the Land Development Code if it substantiates the findings in this section. Failure to find facts supporting the petition or finding facts that are contrary to the petition are grounds for a recommendation that the Council deny the zoning amendment.

A. Findings for changes of zoning district boundaries:

1. [For changing district boundaries:] The location subject property(ies) is compatible with the purpose of the new district.
2. [For changing district boundaries:] The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions.
3. [For changing district boundaries:] The subject property is suitable as a location for all of the permitted uses within the district.
4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district.
5. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts.

B. Findings for changes to the regulations, standards, or text of the Land Development Code.

Depending on the nature of the text amendments, the Commission shall also make findings associated with the proposed changes to the text. These specifically prepared findings shall encompass the following issues:

1. Findings shall, whenever possible, be enumerated or codified within the proposed amendment in order to provide an understanding of the Commission's purpose or intentions for the amendment.
2. Findings for changes to the regulations, standards, or text of the Land Development Code are intended to list or identify the reasons the Commission is recommending the change.

A. Planning Commission recommendation forwarded to Council.
   Following a recommendation by the Commission, the Director of Community Development shall forward a copy of the recommendation to the Council with a written report or summary of the Commission’s action.

B. Council Workshop.
   1. Not more than thirty days after the Commission’s recommendation, the Director of Community Development shall request agenda time at a Municipal Council workshop to provide the Council with information about the proposed amendment.
   2. At its workshop, the Council may accept the matter and schedule for public hearing, request additional information for the public hearing, or request additional information prior to scheduling the matter for hearing.
   3. If a majority of the Council present at the workshop has no objection, the matter shall be set for public hearing and action at a Municipal Council meeting of the Council’s selection.
   4. Failure to hold a public hearing within one year of the Commission’s action shall be deemed to be a de facto denial of the application.

C. Report to the Council.
   The Director of Community Development shall prepare a memorandum or written report to the Council with attachments of the Planning Commission Staff Report and any other written materials submitted at the Commission hearing. This report shall, at a minimum address the following:
   1. The range of issues discussed at the Commission hearing that are not included in the Commission’s staff report,
   2. Any pertinent public testimony or agency comments presented at the Commission meeting,
   3. Any other appropriate information with the director’s report.


The Municipal Council shall hold a public hearing at which it considers the recommendation of the Planning Commission, the staff report or memorandum, the application of the petitioners, and comments by interested members of the public or other organizations.


A. Council action by ordinance.
   Following conclusion of the public hearing, the Council shall take action to enact an ordinance approving the zoning amendment or adopt a motion to deny the petition.

B. Council findings for approval.
The Municipal Council may approve an amendment to the Official Zoning Map or the text of the Land Development Code upon substantiating the following findings:

1. [For changing district boundaries:] The location subject property(ies) is compatible with the purpose of the new district.
2. [For changing district boundaries:] The subject property is suitable for development within the new zoning district without increasing need for variances or special exceptions.
3. [For changing district boundaries:] The subject property is suitable as a location for all of the permitted uses within the district.
4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district.
5. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts.

C. Findings for changes to the regulations, standards, or text of the Land Development Code.

Depending on the nature of the text amendments, the Council shall also make findings associated with the proposed changes to the text. These specifically prepared findings shall encompass the following issues:

1. Findings shall, whenever possible, be enumerated or codified within the proposed amendment in order to provide an understanding of the Commission’s purpose or intentions for the amendment.
2. Findings for changes to the regulations, standards, or text of the Land Development Code are intended to list or identify the reasons the Commission is recommending the change.
Chapter 17.40: Amendments to the General Plan

§17.40.010. Purpose.
The General Plan may be amended three times each year in conformance with the provisions of this Chapter and Utah statutes. These petitions or applications shall be known as “General Plan amendments.”

§17.40.020. Limitations on General Plan amendments
A. Amendments for public use.
The Planning Commission shall consolidate and combine all applications for General Plan amendments so that the Commission holds public hearings on the amendments at one of its meetings in April and one in October of each calendar year. These two amendment periods shall be the only times during the year that the public may submit individual applications for General Plan amendments. The Commission may, at its option, change the April or October meetings to another month, but in no case shall the Commission hear applications for General Plan amendments submitted by the public more than two times per year.

B. Amendments for City use.
In addition to the two amendment periods for public use in April and October, the Municipal Council shall reserve one General Plan amendment hearing date for the use of the administration, Planning Commission, or Municipal Council in order to update or amend the Plan for purposes of budget planning, changes in law or regulations, policy administration, or to reflect Council policy. The Council may establish the City’s General Plan amendment hearing date at any time during the year.

§17.40.030. Amendment procedures.
A. Application process.
Amendments to General Plan maps or the text of the General Plan 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 17.43, except as directed for the Municipal Council in this Chapter.

B. Zoning actions are legislative in nature.
An action to change the district boundaries or the text of the General Plan 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

When the General Plan was adopted in June, 1995, no land use map was adopted, however the plan contains other maps which may be amended; this provision also applies if the Municipal Council adopts a Land Use map.
§17.40.040. Planning Commission hearing.
The Planning Commission shall hold a public hearing at which it considers the staff report, the application of the petitioner, and comments by interested members of the public or other organizations.

§17.40.050. Planning Commission action.
The Commission may recommend that the Municipal Council approve an amendment to General Plan maps or the text of the General Plan if it substantiates the findings in this section.

A. Findings for changes of General Plan map boundaries:
1. [For changing maps:] The change in map boundaries is compatible with the appropriate policies in the General Plan.
2. The applicable infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the use of the land affected by the map change.
3. The subject property when used for the permitted uses in its base zoning district will be compatible with General Plan policies.

B. Findings for changes to the regulations, standards, or text of the General Plan.
Depending on the nature of the text amendments, the Commission shall also make findings associated with the proposed changes to the text. These specifically prepared findings shall encompass the following issues:
1. Findings shall, whenever possible, be enumerated or codified within the proposed amendment in order to provide an understanding of the Commission's purpose or intentions for the amendment.
2. Findings for changes to the regulations, standards, or text of the General Plan are intended to list or identify the reasons the Commission is recommending the change.

A. Planning Commission recommendation forwarded to Council.
Following a recommendation by the Commission, the Director of Community Development shall forward a copy of the recommendation to the Council with a written report or summary of the Commission's action.

B. Council Workshop.
1. Not more than thirty days after the Commission's recommendation, the Director of Community Development shall request agenda time at a Municipal Council workshop to provide the Council with information about the proposed amendment.
2. At its workshop, the Council may accept the matter and schedule for public hearing, request additional information for the public hearing,
or request additional information prior to scheduling the matter for hearing.

3. If a majority of the Council present at the workshop has no objection, the matter shall be set for public hearing and action at a Municipal Council meeting of the Council’s selection.

4. Failure to hold a public hearing within one year of the Commission’s action shall be deemed to be a de facto denial of the application.

C. Report to the Council.

The Director of Community Development shall prepare a memorandum or written report to the Council with attachments of the Planning Commission Staff Report and any other written materials submitted at the Commission hearing. This report shall, at a minimum address the following:

1. The range of issues discussed at the Commission hearing that are not included in the Commission’s staff report,

2. Any pertinent public testimony or agency comments presented at the Commission meeting,

3. Any other appropriate information with his report.


The Municipal Council shall hold a public hearing at which it considers the recommendation of the Planning Commission, the staff report or memorandum, the application of the petitioners, and comments by interested members of the public or other organizations.


A. Council action by resolution.

Following conclusion of the public hearing, the Council shall take action to adopt a resolution approving the General Plan amendment or adopt a motion to deny the amendment.

B. Council findings for approval.

The Municipal Council may approve an amendment to General Plan maps or the text of the General Plan upon substantiating the following findings:

1. [For changing maps:] The change in map boundaries is compatible with the appropriate policies in the General Plan.

2. The applicable infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the use of the land affected by the map change.

3. The subject property when used for the permitted uses in its base zoning district will be compatible with General Plan policies.
C. Findings for changes to the regulations, standards, or text of the General Plan:

Depending on the nature of the text amendments, the Council shall also make findings associated with the proposed changes to the text. These specifically prepared findings shall encompass the following issues:

1. Findings shall, whenever possible, be enumerated or codified within the proposed amendment in order to provide an understanding of the Council's purpose or intentions for the amendment.

2. Findings for changes to the regulations, standards, or text of the General Plan are intended to list or identify the reasons the Council is approving the change.
Chapter 17.41: Variances

§17.41.010. Purpose.
When literal interpretation of the provisions of Title 17 of the Logan Municipal Code results in a situation where the property owner does not have the opportunity to exercise basic property rights, the City may consider an application to vary the standards of this Title. The purpose of a variance is to relate only to the hardship identified and to ensure that the property is not deprived of privileges granted to other properties in the same area, or zoning district.

§17.41.020. Standing to apply for a variance.
Any person who owns, leases, or otherwise holds an interest in property may apply to the Board of Adjustment for consideration of a variance. If the person making the application is not a record owner of the subject property, written permission of the property owner is required prior to acceptance of the variance application as complete.

§17.41.030. Procedures, reports, and hearings
Applications for variances are processed under the provisions of Chapter 17.43 and the requirements of this Chapter. Applications for variances are heard before the Board of Adjustment.

§17.41.040. Board of Adjustment action.
A. Findings required to approve or conditionally approve a variance.
The Board of Adjustment may approve or conditionally approve a variance only upon substantiating the following findings:
1. The variance does not authorize a use other than uses specifically permitted or conditionally permitted in the zoning district.
2. The literal enforcement of the zoning code related to the site development standard for which the variance is sought will cause an unreasonable hardship for the property owner that is not necessary to carry out the general purpose of the zoning code.
3. There are special circumstances related to the subject property that do not generally apply to other properties in the same zoning district.
4. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
5. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
6. The spirit, policies, and objectives of the zoning code are accomplished with this variance and substantial justice is done for the property owner without altering the essential character of the zoning district in which the subject property is located.
7. The variance will not adversely affect the public health, safety or welfare.
8. The subject property’s physical or topographic characteristics is the cause of the variance.
9. The variance is not granted because of purposes of economic issues or as a result of a self-imposed hardship.
10. Special circumstances apply in conformance with the provisions of Utah Code 10-9-707(2)(a) in that the special circumstances relate to the hardship causing the variance request and failure to recognize the special circumstances denies the property owner privileges granted to other properties in the same district.
11. The Board of Adjustment finds that the proponent has submitted substantial evidence supporting the approval of the variance in conformance with the requirements of State law.
12. There is no increase beyond the number of dwelling units specified in the zoning district in which the site exists.

B. Conditions that may be imposed on variances

The Board of Adjustment may conditionally approve a variance with the addition of conditions reasonably related to the relief granted by the approval. The conditions imposed by the Board may include and are not limited to:

1. The action to conditionally approve a variance shall specify the description of the relief granted by the approval in terms of distance, size, or other quantifiable description;
2. The action shall not extend other variances not specifically approved by the Board.
3. The Board may impose other conditions as found necessary to:
   a. mitigate any harmful affects of the variance; and
   b. serve the purpose of accomplishing the standard or requirement that is being waived or modified.
4. Streets and roads in the area;
5. Ingress and egress to adjoining existing and proposed public streets;
6. Location and amount of off-street parking;
7. Internal traffic circulation system;
8. Fencing, screening and landscaped separations;
9. Building bulk and location;
10. Usable open space;
11. Signs and lighting;
12. Noise, vibration, air pollution, and other development factors;
13. No approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended by the Planning Commission.
Chapter 17.42: Reserved
Chapter 17.43: Procedures for processing applications

§17.43.010. Uniform project review procedures
All applications for projects to be heard by the Design Review Committee, Board of Adjustment, the Planning Commission, or before administrative hearing officers shall be processed with the uniform procedures of this chapter.

§17.43.020. Application.
A complete application, graphic(s), deed(s), plat map(s), and other map(s) meeting the requirements established by the decision-making body and Director of Community Development shall be submitted to the Department of Community Development Planning and Zoning Division along with the fees and charges established by the Municipal Council. An application shall be accompanied by proof that the person submitting the application either owns the subject property or the proponent has the consent of at least one record owner of all the land comprising the subject property.

A. Complete application required.
The Director of Community Development shall not accept nor schedule for hearing any application that does not contain all the required materials and supporting documentation as specified in this Title and the City's administrative procedures. No applications may be accepted for hearing if the required fees have not been submitted. If an application is incomplete, the Director of Community Development may remove the application from the scheduled hearing date without concurrence of the proponent if additional information is needed and not submitted in a timely manner to allow adequate report preparation time.

B. Distribution of application.
The Director of Community Development shall distribute copies of the proposed project to appropriate City and public agencies, and public utilities for purposes of soliciting comments.

§17.43.030. Public notice

A. Mailed notice.
Not less than fourteen days prior to the hearing date before the decision-making or recommending body, 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 the subject property. 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 case number, project docket number, or other identification number of the project, and the project’s title;
4. the project’s address;
5. the name of the proponent;
6. the type of project or projects, including an identification of all types of actions required;
7. a general description of the proposed project as submitted by the proponent. The Director of Community Development may edit the description to more clearly define the legal parameters under which the project is to be reviewed. 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;
8. a statement explaining when and where interested persons can obtain information;
9. the name of a staff member and direct phone number to contact the staff member; and
10. an explanation as to how to participate in the hearing.

B. Notice requirements for mailings of more than fifty property owners related to amendments to the Land Development Code and amendments to the General Plan.

If there are more than fifty notices to be mailed for a General Plan amendment or an amendment to the Land Development Code, in lieu of mailed notices, the Director of Community Development shall cause a minimum one-quarter page display newspaper advertisement to be published in a newspaper of general circulation in and for the City of Logan.

1. For amendments to the Official Zoning Map or maps within the General Plan: The notice shall include a map that identifies the boundaries of the proposed zoning district change.
2. For amendments to the text of the Land Development Code or the General Plan, the notice shall include a broad and general description of the language change. At a minimum, the notice shall include the official title of the ordinance or resolution that is proposed to approve the change in text.

A copy of the notice shall be posted in the offices of the Department of Community Development and at City Hall.

C. Published notice for all projects

At least fourteen days before the meeting, the City shall cause to be published a notice or copy of the agenda in a newspaper of general circulation in and for the City of Logan.

§17.43.040. Staff report and analysis

A. Written Staff report required.

The Director of Community Development shall review the applications for conformance with submittal requirements. The Staff shall prepare a written...
report for the decision-makers that generally includes the following items when relevant:

1. analyzes the proposed project for conformance with plans, policies, and the provisions of this title;
2. incorporates the comments of other City and public agencies, and public utilities;
3. incorporates all public comments received prior to the date of publication;
4. incorporates the analysis and comments of the Planning Division staff;
5. incorporates the analysis and comments of the City Engineer;
6. includes a recommendation to approve, conditionally approve, or deny the request;
7. includes recommended conditions of approval, if needed; and
8. includes the facts on which staff bases its recommendation with the understanding that the decision-makers may accept or reject these facts based on the information it finds at the public hearing.

B. Distribution of copies.
Copies of the staff report shall be distributed to the decision-makers, proponent, and commenting departments at least three days prior to the Commission meeting.

§17.43.050. Public hearing.
The decision-makers or recommending body shall hold a public hearing at which it considers the staff report, the application of the proponent, and comments by interested members of the public or other organizations. The decision-makers or recommending body shall conduct the public hearing according to adopted by-laws or other accepted meeting procedures.

§17.43.060. Action.
A. Action follows a public hearing.
Following the public hearing, the decision-making or recommending body shall take a vote to approve, conditionally approve, deny the project application, or continue the matter to a future meeting.

B. Continuing a project to a future meeting.
The decision-makers may continue a project hearing or deliberations to a future meeting, but in no case shall a period of more than six months pass from the first public hearing to the date of action.

1. Continuing a matter to a date and time specific shall not require mailed notices to be sent for the continued meeting unless specifically directed by the decision-makers.
2. Continuing a matter to a non-specified meeting date requires that the new public notices in conformance with this chapter be published and mailed.
3. Matters may be continued if the proponent is not present at the public hearing or if the decision-making body finds that there is inaccurate information or insufficient information from which to make a decision.

4. Unless otherwise determined by the decision-making or recommending body, a project which has been continued for more than six months shall be deemed withdrawn from any consideration.

§17.43.070. Findings of fact required.

A. All decisions shall be supported with findings. Based on the requirements within the individual chapters for types of applications (Refer to §17.43.010), the decision-making or recommending body shall not be able to take action without making the appropriate findings of fact specified in the Chapter.

B. Failure to make findings

The decision-makers may deny a proposed project when they are not able to find facts in the record to substantiate the required findings in this section.

§17.43.080. Records of decision.

The Director of Community Development shall prepare a Record of Decision enumerating the action of the decision-makers, the conditions imposed (if any), and the findings adopted to support the action. The Record of Decision shall be signed by the proponent and the Director and shall be recorded against the Tax Identification Number with the County Recorder.

§17.43.090. Completion of projects.

All projects shall be initiated prior to the expiration dates specified in the appropriate code sections. If not extended pursuant to the appropriate code section, the permits shall become null and void.

§17.43.100. Standards for development.

All project applications shall be processed by the regulations in effect at the time a complete application was accepted by the Director of Community Development.
Chapter 17.44: Compliance with conditions

§17.44.010. Compliance required
A. Conditions imposed on project approvals
All projects are subject to the conditions adopted by the decision-makers as a part of the project review process. Failure to comply with adopted conditions shall be a violation of this title and may result in the revocation of any permits, or other corrective actions or penalties provided for in this Title.

B. Conditions imposed by statute or ordinance
Any requirement or condition imposed as a mandate by statute or ordinance shall be a standard requirement of any project approval or permit issued by the City whether or not the requirement or condition is enumerated in the permit or approval.

§17.44.020. Compliance timing

A. Compliance prior to issuance of a building permit
Any requirement or condition for which compliance is required prior to the issuance of a building or grading permit shall be completed prior to the release of any permits from the City, unless security has been posted pursuant to this chapter.

B. Compliance prior to project use or occupancy
Any requirement or condition for which compliance is required prior to the use or occupancy of a building, structure, site, or lot shall be completed prior to any use or occupancy of the project, prior to the issuance of any permanent or temporary occupancy permits, or prior to moving equipment, furniture, or occupants into the project. Completion may be deferred if the City receives improvement security pursuant to this chapter.

C. Landscaping to be installed prior to commencement of use or occupancy.
All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous and health growth. All landscape material, living and non-living, shall be in place prior to the commencement of use, occupancy, or issuance of a Certificate of Occupancy.

D. Temporary occupancy requirements related to landscaping.
A Certificate of Occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the City and acceptance by the City of appropriate surety.

1. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this Chapter prior to the initiation of any use or any occupancy of the facility, structure, or grounds.
2. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the Certificate of Occupancy is issued (snow cover, flooding). Financial or similar issues shall not constitute extenuating circumstances for the purpose of this Section.

§17.44.030. Improvement Security

When in the judgement of the appropriate department head, it is not feasible to complete requirements or conditions imposed by statute or ordinance prior to the issuance of a permit, use, or occupancy, the improvement security may be accepted pursuant to this section to guarantee completion of the requirements or conditions.

A. Acceptance of security

Improvement security may be accepted by the following departments in relation to requirements or conditions under departmental authority:

1. Landscaping, parking, parking lot lighting, signage, structural amenities: Director of Community Development;
2. Right-of-way improvements, street improvements, curb, gutter, sidewalk, improvements related to driveways: Public Works Director;
3. Electrical power: Chief Building Official or Department of Light and Power;
4. Sewer, water, utilities: Public Works Director;
5. All other improvements or deferrals: Chief Building Official.

B. Types of security

With the exception of improvements required under provisions of other Titles of the Logan Municipal Code, the following types of surety may be accepted:

1. Certificate of deposit, cash, cashier's check, or savings account in favor of the City of Logan in the amount of one hundred and ten percent of the estimated cost of improvements;
2. Irrevocable letter of credit issued by a Federally insured financial institution in the amount of one hundred and ten percent of the estimated cost of improvements;
3. Escrow, draw-down, or performance account to which the City is a signatory and the escrow agent guarantees payment in the amount of one hundred and ten percent of the estimated cost of improvements;
4. Performance bond issued by a financial institution, insurance company, or surety company with a Moodys or Standard and Poors investment grade bond rating in the amount of one hundred and ten percent of the estimated costs of improvements.

C. Estimating the cost of improvements

1. The permit holder shall present the City with a firm construction bid for the improvements that shall be valid for at least six months from the date of the bid.
2. The bid shall be reviewed by the City Engineer or other appropriate City official prior to acceptance of the estimated cost.

3. If the City accepts the bid amount, the permit holder may use that amount for securing and delivering surety to the City.

4. If the City does not accept the bid amount, the permit holder shall obtain three firm bids for the work to be secured with prices valid for at least six months. The City shall accept the average of the three bids as the base amount for improvement security.
Chapter 17.45: Appeals

§17.45.010. Purpose.
The purpose of this chapter is to provide uniform appeals procedures for development-related actions of the City.

§17.45.020. Standing to file an appeal.
The proponent or any affected party who participated in the hearing process may file an appeal of a decision by the Director of Community Development, Planning Commission, Design Review Committee, Historic Preservation Committee, Board of Adjustment, Board of Appeals, or the Municipal Council.

§17.45.030. Body to hear appeals.

<table>
<thead>
<tr>
<th>Type of Project</th>
<th>Appeal is heard before</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretations of the Land Development Code</td>
<td>Board of Adjustment</td>
</tr>
<tr>
<td>Interpretation of the General Plan by Staff</td>
<td>Municipal Council</td>
</tr>
<tr>
<td>Boundary line adjustments</td>
<td>Board of Appeals</td>
</tr>
<tr>
<td>Conditional use permits</td>
<td>Board of Appeals</td>
</tr>
<tr>
<td>Design Review permits</td>
<td>Board of Appeals</td>
</tr>
<tr>
<td>Subdivisions</td>
<td>Board of Appeals</td>
</tr>
<tr>
<td>Variances</td>
<td>District Court</td>
</tr>
<tr>
<td>General Plan Amendments</td>
<td>District Court</td>
</tr>
<tr>
<td>Zoning Amendments</td>
<td>District Court</td>
</tr>
<tr>
<td>All other zoning related actions by staff</td>
<td>Board of Adjustment</td>
</tr>
</tbody>
</table>

§17.45.040. Filing appeals

A. All administrative appeals are filed in writing with the Director of Community Development in the offices of the Department of Community Development within fifteen calendar days of the action being appealed. An appeals application not filed in the Department of Community Development shall not constitute a filing for purposes of meeting the fifteen day limit.

B. Appeals filed with District Court shall be filed in conformance with the requirements of State law and Court procedures. Nothing in this chapter is intended to imply changes to, other procedures for, or otherwise override standard procedures and timelines of District Court.
§17.45.050. Contents of the request for an appeal.

A. Administrative procedures.

The Director of Community Development shall prepare administrative procedures for filing an appeal before the Board of Appeals or the Board of Adjustment.

B. Minimum requirements for a request to appeal.

At a minimum the request for an appeal shall be filed in writing and include the following:

1. The name of the person or persons filing the appeal, a mailing address, and daytime telephone number;
2. The project file number and the name of the project as it appeared on the agenda;
3. The date of the original hearing;
4. Any required appeal application fee;
5. The specific issues being appealed:
   a. The appeal may not merely appeal the action of the decision-making body,
   b. If the project was conditionally approved and specific conditions are being appealed, the request for an appeal shall specify the conditions being appealed and the reasons for the appeal,
   c. If the project was approved without conditions, the request for appeal shall specify the findings used by the decision-making body that have generated the appeal request,
   d. If the project was denied, the request for appeal shall specify the findings used by the decision-making body that have generated the appeal request;
6. A statement shall be included indicating that the appellant was a participant in the original hearing process by:
   a. Submitting written comments prior to or during the public hearing, or
   b. Verification that the appellant was in attendance at the decision-making body’s hearing, or
   c. The appellant spoke at the decision-making body’s hearing.

C. Incomplete applications unacceptable

An incomplete application for an appeal shall not be accepted. Submitting an incomplete application shall not stay, waive, defer, or delay the fifteen day appeal deadline.

§17.45.060. Public notice.

After giving notice in conformance with Chapter 17.43, the Board of Appeals or Board of Adjustment shall hold a public meeting.
§17.45.070. Staff report required.
A. Appeals of Commissions and Committees
The appeal proceedings shall include a staff report updated from the Commission or Committee meeting with the results of the meeting and a summary of the actions or findings being appealed.

B. Appeals of staff decisions and boundary line adjustments
The staff person rendering the decision being appealed shall provide the Board and appellant with a written report or memorandum explaining the basis of the decision or interpretation. This report or memorandum shall serve as the administrative record of decision.

§17.45.080. Appeal meeting.
Not less than fourteen days following the mailing of a public notice, the Board of Appeals or Board of Adjustment shall hold a public meeting to hear the appeal. The public meeting shall be held in conformance with Utah law, the Board of Appeals' or Board of Adjustment's by-laws and rules of procedures. At that meeting, the Board shall hear the Staff's report including a summary of the action being appealed, the testimony of the appellant, the testimony of the proponent, if different from the appellant, and any comments from the public. The Board may take testimony and comments from the general public, and it may consider new information and facts in reaching its decision.

§17.45.090. Decision of the appeal.
The Board shall render its decision at the meeting by majority vote of the members present, unless the matter is continued to a future meeting pending a request of the Board for more information. The Board may overturn the decision-makers on the basis of its findings, it may uphold the decision-makers, or if new information is presented that was not previously presented to the decision-makers, the Board may return the matter to them for new proceedings. The action of the Board is the final administrative procedure within the City's process.

§17.45.100. Findings required to overturn or modify the decision-makers action.
If the Board overrules or modifies the action of the decision-makers, the Board shall make findings substantiated in conformance with the requirements of procedures for the type of action being appealed. If the Board upholds the appealed action, no additional findings are required, the Board's action automatically affirms the previously adopted findings. The Board may, upon upholding the decision-makers, add, clarify, or enhance findings based upon the facts of the appeal meeting.
Chapter 17.46: Expiration and extensions of time for development permits issued pursuant to this Title.

§17.46.010. Expiration of permits.

The original approvals shall be valid for the time specified in this section:

A. Subdivisions. The final plat map or final plat map for the first phase or unit if so approved by the Planning Commission shall be recorded within twelve months of the date of Planning Commission approval.

B. Conditional use permits.
   1. If no building permit has been obtained by the proponent, the permit issued pursuant to this title shall expire one year from the date of approval unless an extension of time has been approved.
   2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within one year from the date of approval unless an extension of time has been approved.

C. Design review permits.
   1. If no building permit has been obtained by the proponent, the permit issued pursuant to this title shall expire one year from the date of approval unless an extension of time has been approved.
   2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within one year from the date of approval unless an extension of time has been approved.

D. All other permits.
   1. If no building permit has been obtained by the proponent, the permit issued pursuant to this title shall expire one year from the date of approval unless an extension of time has been approved.
   2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within one year from the date of approval unless an extension of time has been approved.

\(^{78}\) Formerly §16.07.010.
§17.46.020. Extensions of time.

A. Subdivisions.

Extensions of time may be approved by the Director of Community Development as follows:

1. A written request for an extension of time shall be received by the Director of Community Development prior to the expiration date of the subdivision.

2. The request for extension of time shall specify what conditions have been completed and the reasons for the extension request.

3. If the subdivider is delayed in completing the project due to circumstances beyond the subdivider’s control—except for failure to obtain financing—the Director of Community Development may grant extensions of time as follows:
   a. Subdivision approvals of nine or fewer lots may be extended for a maximum of one year from the date of original expiration. The maximum length of time from the date of Planning Commission approval to date of recordation of a subdivision of nine or fewer lots shall not exceed two years six months.
   b. Subdivisions of ten or more lots may apply for an extension of time maximum of two years from the date of the original expiration. The maximum length of time from the date of Planning Commission approval to the date of recordation of the first phase shall not exceed three years six months.

B. Conditional use permits and design review permits.

1. For commercial and industrial projects, a two extensions of time may be permitted.
   a. An extension of time, not to exceed a cumulative total of twenty-four calendar months from the original expiration date may be approved by the Director of Community Development if the findings in §17.46.030 are substantiated.
   b. An extension of time not to exceed an additional cumulative total of twenty-four months may be approved by the Planning Commission at a public hearing if it makes the findings required in §17.46.030 and provided that the project is required to meet the standards for site development in effect at the time of the discretionary extension of time.

2. For residential, public, or other non-commercial or non-industrial projects, an extension of time, not to exceed a cumulative total of twenty-four calendar months from the original expiration date may be approved by the Director of Community Development if the findings in §17.46.030 are substantiated.

C. All other projects, except building permits

For residential, public, or other non-commercial or non-industrial projects, an extension of time, not to exceed a cumulative total of twenty-four calendar months from the original expiration date may be approved by the
Director of Community Development if the findings in §17.46.030 are
substantiated.

§17.46.030. Standards for approving extensions of time.

A. Extensions of time approved by the Director of Community
Development.

The Director of Community Development shall not approve an extension
of time for which authority is granted by this chapter unless the following
findings can be substantiated:

1. The proponent’s initiation of development activities is based on an
action by the City or other public agency which has not taken place or
was delayed, resulting in a time delay beyond the permit holder’s
control.

2. The proponent has made a good faith effort to initiate the project by
systematically completing pre-development conditions to the
satisfaction of the responsible agency or department.

3. Circumstances—other than approval of financing—beyond the control
of the permit holder has prevented initiation of the project.

B. Extensions of time reviewed by the Planning Commission.

The Planning Commission shall not approve an extension of time for
commercial or industrial projects extending for total length of the permit
by more than thirty-six months (the twelve months for which the permit is
originally valid and the twenty-four months that may be granted by the
Director of Community Development) unless it is able to substantiate the
following findings:

1. The proponent’s initiation of development activities is based on an
action by the City or other public agency which has not taken place or
was delayed, resulting in a time delay beyond the permit holder’s
control.

2. The proponent has made a good faith effort to initiate the project by
systematically completing pre-development conditions to the
satisfaction of the responsible agency or department.

3. Circumstances—other than approval of financing—beyond the control
of the permit holder has prevented initiation of the project.

4. The Planning Commission has modified the project’s conditions to
ensure that development standards in effect at the time of the second
extension of time are required for compliance.
Chapter 17.47: Legally Existing Nonconformities

§17.47.010. Purpose

This chapter is intended to govern the uses, structures, lots, and other situations that came into being lawfully but that do not conform to one or more standards of the land development code. The regulations are intended to recognize the interests of property owners in continuing to use nonconforming property, and to manage the expansion of legally existing nonconformities, to regulate reestablishment of abandoned uses, and to limit re-establishment of structures that have been substantially destroyed. It is the policy of the Municipal Council that as legally existing nonconformities obtain permits or reviews pursuant to this chapter, that the objective is to ultimately replace the legally existing nonconformity with a conforming use or structure.

§17.47.020. Types of Legally existing nonconformities

The regulations of this chapter address the following types of legally existing nonconformities:
A. Nonconforming uses,
B. Nonconforming structures,
C. Nonconforming lots,
D. Nonconforming signs,
E. Other legally existing nonconformities:
   1. fences with heights, materials, setbacks, or locations that are not in conformance with City requirements;
   2. parking lots, facilities, structures, or sites that are not in conformance with City requirements;
   3. other site development characteristics that are not in conformance with City requirements and standards.

§17.47.030. Policy

A. Legally existing, non-conforming uses shall be permitted to continue as operating in the same way the use operated at the time zoning regulations were enacted, revised, or amended which rendered the use nonconforming.
B. Owners of land upon which there are legally existing non-conforming land uses may be granted a conditional use permit to substitute a use or expand a use within acceptable limits pursuant to this Chapter.
C. The Planning Commission may, at its discretion, approve, conditionally approve, or deny an expansion of a nonconforming use, an expansion of the structure, or a legally existing non-conforming substitution of use.
   1. The conditional use permit procedures shall be followed for consideration of the proposed change of the nonconforming use.
2. The Planning Commission may deny the change of use or its expansion if it finds that the continued use or expansion is incompatible with conforming uses in the area.

3. The Planning Commission may deny the substitution of use if it cannot substantiate by evidence in the administrative record the findings required for conditional use permit approvals or if it finds that the proposed substituted use is incompatible with conforming uses in the area.

4. When a legally existing, non-conforming land use or legally existing non-conforming structure is abandoned for a period of twelve or more calendar months, the legally existing non-conforming status is no longer considered valid, and the use or structure may be established only as a conforming use or structure.

D. A use or structure which becomes legally existing non-conforming upon the adoption, revision, or amendment of applicable regulations may continue. However, if the structure or use is vacated for twelve or more months following the modifications to the ordinance that rendered it non-conforming, it shall lose its legally existing status and shall be brought into conformance with appropriate codes prior to subsequent use.

E. Each of the sections in this chapter addressing the process for obtaining approvals for non-conforming uses, non-conforming structures, non-conforming lots, non-conforming signs, and other legally existing non-conformities are separate components of an approval. There can be a non-conforming use in a conforming structure; a conforming use in a non-conforming structure; a non-conforming use in a non-conforming structure, among other considerations. Each issue of nonconformity requires a separate action. These actions may occur as a part of the same application.

§17.47.040. Authority to Continue

A. Continuing legally existing nonconformities

Legally existing nonconformities may be allowed to continue in accordance with all of the regulations of this chapter.

B. Determination of Nonconformity Status

The burden of proof establishing that a nonconformity lawfully exists rests with the owner, not the City. The Municipal Council may establish fees to cover the cost of Department of Community Development staff providing research services to determine non-conformity status in order to support the proponent’s burden of proof requirement.

C. Repairs and Maintenance

Minor repairs and normal maintenance required to keep legally existing nonconformities in a safe or aesthetically attractive condition are permitted, provided that all alterations meet current code requirements.
D. Change of Tenancy or Ownership

Changes of tenancy, ownership or management of an existing nonconformity are permitted, provided there is no change in the nature, character, extent, density, or intensity of the nonconformity.

§17.47.050. Nonconforming Uses

Nonconforming uses are subject to the following standards. Nonconforming structures, nonconforming signs, nonconforming lots, and other nonconformities are addressed in other sections.

A. Enlargement

A nonconforming use may be enlarged, expanded, or extended to occupy more land area or floor area than was occupied at the time the use became non-conforming, and additional accessory use or structure may be established on the site of a nonconforming use following the review for consideration of a conditional use permit. The use permit is a discretionary action and the effect of the nonconformity on the conforming uses and structures shall be considered in the review. Legally existing nonconforming uses may be extended through any part of a currently occupied building or other structure in which the use was lawfully located on the date the use became non-conforming.

B. Relocation

Nonconforming uses shall not be transferred or moved to another lot unless the use will be in conformance with the use regulations of the district into which it is moved.

C. Discontinuance and Abandonment

If a nonconforming use ceases to exist for any reason for a period of more than twelve consecutive months, subsequent uses shall conform to all regulations of this land development code for the district in which such lot is located.

D. Damage or Destruction

In the event that any structure devoted in whole or in part to a nonconforming use is damaged or destroyed the use may be restored to the intensity or density that existed prior to the damage or destruction. In such cases, the use shall be re-established within twelve months of the date of damage occurrence unless otherwise delayed by reconstruction of the structure. A good faith effort to complete and occupy the building shall also be required.

E. Substitution of Use

1. Substitution: An application for a conditional use permit to substitute a nonconforming use may be submitted provided that the new use is of the same general character as defined in subsection 17.47.020E(2) of this section as the legally existing nonconforming use being replaced. The determination of whether a proposed use is a continuing use or is of the same general character shall be considered as one of
the findings to be substantiated with review of the application for a conditional use permit.

2. "Same general character" means a substituted land use for which compatibility is determined utilizing a combination of the following resources:
   a. North American Industrial Classification (NAIC): the substituted land use shall be within the same secondary business classification as the use being replaced; or
   b. Traffic generation: the number of vehicles per measurable unit for the substituted use shall be within fifteen percent of the number of vehicles per measurable unit identified in the current Institute of Transportation Engineers (ITE) Trip General Manual as the use being replaced; or
   c. The substituted use shall be permitted for not more than ten percent more employees or fewer number than the number of employees utilized in the use being replaced; or
   d. The substituted use shall not generate or cause any measurable impacts on the neighborhood that are greater than the use being replaced. Impacts the Planning Commission shall consider in its decision include and are not limited to
      (1) customer traffic as compared to the use being replaced,
      (2) audible noise in excess of levels generated by the use being replaced,
      (3) particulate emissions or odors generated in any amount,
      (4) atmospheric emissions, storm water discharge, or sewer discharge,
      e. The Commission shall address each of these issues in its deliberations on the substitution of a use.

   (1) The Commission may combine compliance with these standards with other facts in the administrative record and other findings as required by ordinance or statute in determining the compatibility of the substituted use with conforming uses in the neighborhood,

   (2) The Commission has the discretion to deny a substitution of use when facts in the administrative record substantiate that there is a fair argument that the substituted use will adversely affect the character of a neighborhood, or the public health, safety, and general welfare,

   (3) The Commission has the discretion to deny a substitution of use—even if the use is of the same general character as the use being replaced—when it finds that the substituted use will adversely affect the neighborhood or impact the public health, safety, and welfare.

3. Following substitution of use:
a. If changed to a conforming use, a nonconforming use shall not be permitted nor conditionally permitted to be established; or
b. If a substituted use has been approved for the location, the standard of review for "same general character" shall be based on the most recent substituted use, not the original or any previous legally existing non-conforming land use.

F. Accessory Uses

No accessory use to a primary nonconforming use may continue after the principal primary use ceases or terminates unless it is conforming.

G. Illegally established uses

No use may be considered a legally existing nonconforming use under the provisions of this Title if the use was never lawfully established, including and not limited to, any combination of appropriate license, permits, or fees.

§17.47.060. Nonconforming Structures

Nonconforming structures are subject to the following standards. Nonconforming uses, nonconforming signs, nonconforming lots, and other nonconformities are addressed in other sections of this Chapter.

A. Enlargement

Expansion or enlargement of a nonconforming structure that increases the degree of nonconformity shall be prohibited. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director of Community Development.

B. Extension of a legally existing single family structure

An existing structure used as a single family dwelling that does not conform to side yard requirements, but having minimum side setback of not less than three feet, may be extended in depth along the nonconforming building line to the extent of one-half of the length of the existing structure. This extension of a nonconforming side setback may be permitted at the discretion of the Director of Community Development if the extension is for the purpose of enlarging or maintaining the existing dwelling and is subject to the following findings:
1. The extension will not increase the number of dwelling units,
2. The extension will not result in a change of the use as a single family dwelling,
3. The extension is not necessary in order to obtain an accessory dwelling permit,
4. The extension complies with all other regulations in the zoning district in which the dwelling is located,
5. The extension will comply with applicable building code regulations.

C. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed it may be restored. In such cases, a building permit shall be obtained
within twelve months of the date of damage occurrence and restoration
must be started and diligently pursued in accordance with the terms of the
building permit.

D. Relocation

Nonconforming structures shall not be moved or relocated to another
location unless the movement or relocation will bring the structure into
compliance with all applicable zoning district regulations and building
code requirements.

E. Illegal structures

No structure may be considered a legally existing nonconforming
structure under the provisions of this Chapter if the structure was never
lawfully established.

§17.47.070. Nonconforming Lots

A legal lot created in conformance with State and City regulations in
effect at the first date of recordation may be occupied and used although
it may not conform in every respect with the dimensional requirements of
this land development code, subject to the provisions of this section.

A. Undeveloped lots.

If a legally existing nonconforming lot is undeveloped, then the owner
may use the property as permitted by the applicable zoning district,
provided that any structures shall comply with applicable site development
standards of this Title.

B. Developed lots.

If a legally existing nonconforming lot is developed, then the owner may
use the property as permitted by the applicable zoning district, provided
that any additional structures or development shall comply with applicable
site development standards of this Title.

C. Illegal lots.

No lot shall be considered a legally existing nonconforming lot under
the provisions of this Chapter if the lot was never lawfully established.

§17.47.080. Nonconforming Signs

A. Change of copy

Change of copy or the substitution of panels or faces of the same or
less square feet on nonconforming signs shall be permitted. Repairs and
maintenance of nonconforming signs, such as repainting, and electrical
repairs, shall be permitted.

B. Enlargement or expansion

A legally existing nonconforming sign may at the discretion of the
decision-making body be remodeled or redesigned for aesthetic or safety
purposes. This discretionary action may be approved with a Design Review
Permit if it is found that the design and appearance of the sign is an
aesthetic improvement over the nonconforming sign.
C. Moving
   It shall be unlawful to move or relocate any existing sign, except in
   accordance with the provisions of Chapter 15.28.

D. Abandoned Signs
   Any nonconforming sign that ceases being used or ceases being
   leased for a continuous period of ninety days shall not be reused for sign
   purposes until it is brought into full compliance with the standards of the
   sign regulations in effect at the time a permit for a new sign is proposed.

E. Abandoned Businesses
   Any nonconforming sign that pertains to a business or institution that
   ceases operation for a period of three months or more shall not be reused
   for sign purposes until it is brought into full compliance with the standards
   of sign regulations in effect at the time a permit for a new sign is proposed.

F. Illegal signs
   No sign may be considered a legally existing nonconforming sign
   under the provisions of this Chapter if the sign was never lawfully
   established.
Chapter 17.48: Enforcement, Violations, and Penalties

§17.48.010. Responsibility for Enforcement
The Land Development Code is enforced by the Director of Community Development, Chief of Police, or any other employees whom the Mayor has authorized.

§17.48.020. Types of Violations
All of the following represent violations of the Land Development Code and will be subject to the remedies and penalties provided in the Land Development Code, the Logan Municipal Code and Utah law:

A. Subdivision, Development, Use, or Sign Without Permit
It is a violation of the Land Development Code to engage in any subdividing, development, use, construction, remodeling or other activity of any nature without obtaining all the permits, approvals, certificates and other forms of authorization required by the Land Development Code;

B. Subdivision, Development, Use or Sign Inconsistent with Permit.
It is a violation of the Land Development Code to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

C. Subdivision, Development, Use or Sign Inconsistent with Conditions
It is a violation of the Land Development Code to violate, by act or omission, any term, condition imposed by a decision-making body upon a required permit, certificate, or other form of authorization;

D. Subdivision, Development or Use Inconsistent with Land Development Code
It is a violation of the Land Development Code to erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land in violation of any zoning, subdivision, sign or general regulation of the Land Development Code;

E. Making Lots or Setbacks Nonconforming
It is a violation of the Land Development Code to reduce or diminish any lot area so that the setbacks, open spaces, lot size, or minimum lot dimensions shall be smaller than prescribed by the Land Development Code;

F. Increasing Intensity of Use
It is a violation of the Land Development Code to increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of the Land Development Code;

G. Continuing Violations
It is a violation of the Land Development Code to continue any of the violations of this chapter. Each day that a violation continues shall be considered a separate offense; and

H. Removing, Defacing or Obscuring Notice
It is a violation of the Land Development Code to remove, deface, obscure or otherwise interfere with any notice required by the Land Development Code.

I. Failure to Remove Signs
It is a violation of the Land Development Code to fail to remove any sign installed, created, erected or maintained in violation of this chapter, or for which the sign permit has lapsed.

J. Other violations.
Any other violations of this code shall also be reviewed pursuant to this chapter and Title.

§17.48.030. Remedies and Enforcement Powers
The City shall have the following remedies and enforcement powers.

A. Mediation for resolving violations.
It shall be the policy of the Municipal Council that the Administration shall take all reasonable steps to resolve violations in order to achieve the intent of this Title. Prior to taking legal action, the administration shall offer an opportunity for mediation as a means of obtaining a mutually agreed upon solution to the violation. Costs of the mediator shall be shared equally by the City and other participating parties.

B. Withhold permits
The City may deny or withhold all permits, certificates or other forms of authorization on any land, structure, or improvements for which there is an uncorrected violation of the Land Development Code or of a condition of a permit, certificate, approval or other authorization previously granted by a decision-making body. The City may grant such authorization provided that a written agreement has been executed to resolve the violation in a timely manner. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question. The City may deny or withhold all permits, certificates or other forms of authorization on any land, structure, or improvements owned by a person who owns, developed or otherwise caused an uncorrected violation of a provision of the Land Development Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by a decision-making body. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.

C. Revoke Permits
A permit may be revoked when the Director of Community Development determines:
1. There is departure from the plans, specifications, or conditions as required under terms of the permit.
2. The permits were obtained by false representation or was issued by mistake, or
3. Any of the provisions of the Land Development Code are being violated.

D. Stop Work

With or without revoking permits, the City may stop work on any structure or improvement on any land on which there is an uncorrected violation of a provision of the Land Development Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the building code.

E. Revoke Approvals

When a violation of the Land Development Code involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the City Council may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the City Council may reasonably impose.

F. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of the Land Development Code or of a permit, certificate or other form of authorization granted hereunder.

G. Abatement

The City may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

H. Penalties

The penalty for a violation of the Land Development Code shall be governed by the Municipal Code of the City of Logan, and the City may seek such criminal or civil penalties as are provided by Utah law.

I. Certificates of Noncompliance

Upon discovery of a lot created in violation with the provisions of the Land Development Code, the Director of Community Development may record a "Certificate of Noncompliance" against the title to the property improperly created.

J. Other Remedies

The City shall have such other remedies as are and as may be from time to time provided by Utah law and municipal codes for the violation of zoning, subdivision, sign or related land development code provisions.

K. Remedies Cumulative
The remedies and enforcement powers established in this chapter are cumulative.

§17.48.040. Enforcement Procedures

A. Non-Emergency Matters

In the case of violations of the Land Development Code that do not constitute an emergency, the Director of Community Development must give notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have 10 days to correct the violation before further enforcement action will be taken. Notice must be given in person, by United States Mail, or by posting notice on the premises. Notices of violation must state the nature of the violation, the time period allowed for coming into compliance, the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters

In the case of violations of the Land Development Code that do constitute an emergency situation, the City may use the enforcement powers available under this chapter without prior notice, but the Director of Community Development must send notice simultaneously with beginning enforcement action to the property owner.

§17.48.050. Other Enforcement Matters

A. Other Powers

In addition to the enforcement powers specified in this chapter, the City may exercise any and all enforcement powers granted to them by Utah law.

B. Continuation

Nothing in the Land Development Code shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid ordinances and laws.

§17.48.060. Revocation.

A. Initiation of revocation proceedings

1. The Director of Community Development or Chair of the Planning Commission, Historic Preservation Committee, Design Review Committee, or other board or committee, may initiate proceedings to revoke a permit or approval. Proceedings may be initiated when it is found that the permit holder is not in compliance with the terms and conditions of an approval issued by the City, and efforts to obtain compliance have been unsuccessful.

2. Revocation proceedings are held before the board, committee, or commission that issued the permit(s).
B. Notice requirements

1. Not less than fourteen days prior to the proceeding, the Director of Community Development shall cause to be mailed by certified mail a notice to the permit holder indicating that the matter is to be scheduled before the appropriate board, committee, or commission to consider possible revocation of the permit. The notice shall include:
   a. The permit number, date approved, and issuing body,
   b. The time and date of the revocation proceeding,
   c. The location of the revocation proceeding,
   d. The reasons that the revocation has been scheduled,
   e. The administrative appeal process if the permit is revoked,
   f. A statement that a written report will be mailed to the permit holder prior to the meeting,
   g. The repercussions of the permit being revoked.

2. Not less than fourteen days prior to the date of the revocation proceedings, the Director of Community Development shall send notices to all owners of real property within three hundred feet of the perimeter property boundaries as identified on the latest County Assessor records of the date, time, and purpose of the proceedings.

C. Proceedings before the issuing body

The meeting shall be conducted under the same rules and proceedings as is used for issuing the original permit, except that the meeting is not a public hearing, and general public testimony may be accepted at the discretion of the hearing body.

D. Staff report

The Director of Community Development shall cause a staff report to be prepared identifying the areas of non-compliance and steps taken to resolve the non-compliance. The report shall also include a copy of the original staff report, the minutes of the meeting at which the permit was issued, and the recorded Record of Decision.

E. Public proceedings

Revocation proceedings shall be conducted at a public meeting with the issues being limited to resolving the matters of non-compliance. The proceedings shall allow the permit holder adequate time to present reasonable solutions for resolving matters of non-compliance with the terms of the original permit.

F. Decision-makers action

The decision-makers by majority vote of the body membership, may order the permit revoked, may specify a time to resolve the issues of non-compliance, or may find the permit in compliance with its terms and conditions.

G. Appeals

Appeals of revocation actions go to the Board of Appeals.
§17.48.070. Violation—Penalty: Subdivisions

A. State statutes incorporated.


B. Violation.

Failure to comply with the terms of this title shall be prosecuted by the City in conformance with the requirements of this Code and State law.

C. Discovery of a violation.

Upon discovery of a lot created in violation with the provisions of this title, the Director of Community Development may record a “Certificate of Noncompliance” against the title to the property(ies) improperly created. The Director of Community Development shall serve the record owners by certified mail or personal service within ten days of the date of recordation of the Certificate.

D. Permits withheld.

The City shall withhold all permits for development of the property and any permits issued in error or issued prior to discovery of the improperly subdivided lot may be declared to be null and void, suspended, or revoked by action of the Director of Community Development. No building permits shall be issued for lots created in violation of this Chapter until the violation has been cured.

E. City cooperation to resolve the violation.

The City shall work with property owners of improperly created lots to rectify the situation. The Planning Commission, however, shall not authorize the creation of any lot that violates the current provisions of this title, and Title 17 of the Logan Municipal Code. The lots shall be reviewed under the regulations in effect at the time of discovery and not those in effect at the time the lot was created.

F. Penalties.

1. Subdivision violations: In addition to any application fees or charges, the record owner of the lot may be required to pay a penalty charge to the City of one thousand dollars per lot.

2. Other violations: In addition to any application fees or charges, the record owner may be required to pay a penalty of doubled fees and doubled connection charges.

G. Litigation may be pursued.

The City may bring suit to enjoin such transfer or sale or agreement by action for injunction and may recover the penalty by civil action. If such penalty has not been paid when the subdivision plat or any certificated deed is submitted for final approval, City shall not approve such plat or deed until the penalty is paid.

79/Formerly §16.07.020.
STATE OF UTAH
COUNTY OF CACHE

On this 24th day of March, A.D. 1998, personally appeared before me, Felicia Tepedino, 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

a copy of which is hereunto attached, was published in said newspaper for One (1) Issue commencing March 24, 1998 and ending March 24, 1998.

Signed

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

Signed
