An ordinance Repealing Chapter 17.01 and 17.04, and enacting Chapters 17.01 through 17.04, General Provisions of the Land Development Code.

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

Section 1:

The Municipal Council finds and declares:

1. The enactment of the revised Land Development Code is a comprehensive and ongoing process.
2. The General Provisions of the Land Development Code are necessary to implement and carry out the purposes of the ordinance.

Section 2:

The following chapters are hereby repealed from Title 17 of the Logan Municipal Code:

Chapters 17.01 and 17.04 of the Logan Municipal Code are hereby repealed.

Section 3:

Chapters 17.01, 17.02, and 17.03 of the Logan Municipal Code are hereby enacted to read as follows:

Title 17: Land Development Code

Article I: General Provisions

Chapter 17.01: General

§17.01.010. Official Name

The official name of this Title of the Logan Municipal Code is the “Land Development Code of the City of Logan, Utah,” which may be cited as the “Land Development Code.” When references are made to a “zoning ordinance,” “zoning code,” “subdivision ordinance,” “subdivision code,” “subdivision regulations,” or “zoning regulations,” it shall be presumed that the reference is to the Land Development Code and all its components, as amended from time to time.

§17.01.020. Purpose

The Land Development Code is enacted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of the City of Logan. The Municipal Council declares the finds and declares the following purposes for this Title.

A. This title is intended to implement subdivision regulation provisions of the Utah Municipal Land Use Development and Management Act, Utah Code Title 10, Article 9.
B. The Land Development Code is intended to carry out the goals and policies of the General Plan.
C. The provisions of this Title manage growth in a way that contributes positively to the community's quality of life.
D. This Title incorporates policies and programs to maintain and promote stability within the City's neighborhoods.
E. The provisions of this Title are to be used to protect and enhance the community's appearance.
F. This Title is intended to encourage business, commerce and economic development.
G. The Land Development Code incorporates development and performance standards to prevent adverse land use impacts.
H. The Land Development Code promotes predictability and consistency in the land development process—for neighborhood, business and development interests.
I. This title ensures appropriate opportunities for participation and involvement by all affected parties.
J. The Land Development Code ensures that the public recognizes that the privilege and right of subdividing land within the City of Logan is a discretionary action that requires appropriate levels of review.
K. This Title integrates subdivisions with land use and development regulations to ensure that each newly created lot is buildable and can be developed in conformance with applicable regulations.
L. This Title ensures that all subdivision, construction, and other development activity conforms to the goals, policies, and implementation measures of the Logan General Plan.
M. The Land Development Code is intended to ensure that regulations are fair to all.

§17.01.030. Prohibitions
No lot may be sold, transferred, financed, or otherwise exchanged unless and until it has been created in conformance with the provisions of this title and state law.
No lot may be developed in any form or manner without conformance to the provisions of this title and state law.

§17.01.040. General Plan mandate
Land development and capital improvement projects shall be consistent with the General Plan. The city's administration and its departments shall carry out the mandate of the General Plan when reviewing project proposals, development plans, and capital improvement programs.
A. Planning Commission implementation.
The Planning Commission shall not approve any project for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.
B. Board of Adjustment implementation.
The Board of Adjustment shall not approve any variance request for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.
C. Design Review Committee implementation
The Design Review Committee shall not approve any project for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.
D. Historic Preservation Committee
The Historic Preservation Committee shall not recommend approval of any project for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.
E. Relationship of the General Plan to the Land Development Code.
The General Plan is the adopted policies of the Municipal Council. The Plan represents a lengthy public participation process and incorporates long range goals, identified policies, and an implementation program. The content of the General Plan may be cited as a basis for making decisions or as a part of the findings to support actions initiated by this Land Development Code. The General Plan is adopted as a part of this code by reference. The General Plan provides the policies that enable the specific regulations of the Land Development Code to be adopted as a part of this code by reference.
Development Code to be carried out. Implementation measures in the General Plan provide direction for specific measures within Land Development Code. When there is a conflict between the General Plan and the Land Development Code, if the General Plan provides precise development standards, the General Plan is to be used. If the General Plan provides policy language and no specific development standards, the Land Development Code's specific measures are to prevail.

§17.01.050. Applicability
The provisions of the Land Development Code apply to all private and public development within the corporate limits of the City.

§17.01.060. Minimum Requirements
The provisions of the Land Development Code represent the minimum requirements necessary to advance its stated purposes. Unless otherwise specified within the code, it does not preclude adding standards and requirements necessary to achieve the policies of the General Plan, the purposes of this Title, or protect the public health, safety, peace, morals, and general welfare.

Chapter 17.02: Transitional Provisions

§17.02.010. Violations Continue
Any violation of the zoning, subdivision, or sign regulations of the City shall continue to be a violation. Resolving the violation shall require conformance to the regulations in effect at the time the violation is terminated, not regulations that may have been in effect at the time the violation was initiated. Any violation that was not discovered by the City under prior zoning or subdivision codes shall be resolved under the provisions of this Title. The lack of prior enforcement or enforcement action shall not be constitute any degree of recognition, approval, or entitlement.

§17.02.020. Nonconformities Under Prior Code
Any legally existing land use, structure, or sign shall be allowed to continue as a legally existing land use, structure, or sign in conformance with the provisions of Chapter 17.60 of this Title.

§17.02.030. Permit issued before effective date of ordinance amendments
Any building or development for which a permit was issued before an amendment to this title that affects the regulatory conformance of the permit may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building or development does not fully comply with provisions of the Land Development Code.

§17.02.040. Applications received and accepted as complete and approvals issued prior to amendments to this Title
A. Applications accepted as complete
Any application accepted by the Department of Community Development as "complete" prior to an amendment to this Title that affects the regulatory conformance of the application shall be processed under the regulations in effect at the time of the application submittal, unless an amendment was pending at the time a complete application is submitted or the City can show a compelling reason for exercising its police power retroactively to the date of the complete application.

B. Permits approved
Any project which has been approved or for which a permit has been issued prior to an amendment to this Title that affects the regulatory conformance of the project shall be allowed to proceed under the terms of the permit as issued by the City.
Chapter 17.03: Conflicting Provisions

§17.03.010. Conflict with other local regulations
If the provisions of the Land Development Code are inconsistent with one another or with other regulations or laws of the City of Logan, the more restrictive provision shall control, unless otherwise stated.

§17.03.020. Conflict with State or Federal Regulations
If the provisions of the Land Development Code are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

§17.03.030. Conflict with Private Restrictions
It is not the intent of the Land Development Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of the Land Development Code impose a greater restriction than imposed by a private agreement, the provisions of the Land Development Code shall control. If the provisions of a private agreement impose a greater restriction than the Land Development Code, the provisions of the private agreement shall control. The City of Logan does not enforce private covenants.

§17.03.040. Severability
If a Court of competent jurisdiction declares any part of the Land Development Code to be invalid, that ruling shall not affect any other provisions of the Land Development Code not specifically included in the ruling.

Section 4:

Chapter 17.04 of the Logan Municipal Code is hereby reserved for future use.

Chapter 17.04: Reserved

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 20th DAY OF January, 1999

Janice Pearce, 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 January 20, 1999,

Janice Pearce, Council Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby APPROVED, this 16th of FEBRUARY, 1999.

Douglas E. Thompson, Mayor

Attest:

Lois Price
City Recorder
December 28, 1998

To: Municipal Council, Mayor Thompson

From: Eric Jay Toll, Director of Community Development

Topic: Ordinance to Enact Chapters 17.01 thru 17.04 of the Land Development Code

The first chapters of a zoning ordinance contain the basic provisions for the implementation of the code. Article I, General Provisions is proposed for replace current chapters 17.01 and 17.04 with new Chapters 17.01 through 17.04. The attached ordinance text accomplishes the following:

1. Chapter 17.01 General
   a. Establishes the official name and citations of Title 17.
   b. States the purposes for having a consolidated Land Development Code.
   c. Restates the existing prohibitions on the sale or transfer of illegal lots.
   d. Restates the existing provisions of mandatory General Plan-Zoning conformance.
   e. Indicates that the code applies to all development within Logan.
   f. Restates the state provision that zoning and subdivision regulations are minimum standards. This is important because it allows the development code to intermix with the Public Works Standards and Specifications, building codes, fire codes, and site specific issues.

This chapter addresses how the City will deal with planning projects that are in process or other actions when the complete Land Development Code goes into effect.

3. Conflicting provisions

This is standard language for most major ordinances to define how to interpret the code when there are conflicts.

4. Reserved for future use.

There were no public comments at the Planning Commission meeting. The Commission recommended unanimously that the Council approve this ordinance.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE.

On this 5th day of January, A.D. 1999, 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...

NOTICE OF PUBLIC HEARING

a copy of which is hereunto attached, was published in said newspaper for one (1) issue commencing January 5, 1999 and ending January 5, 1999.

Signed Felicia Tepedino

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

Signed Cynthia K. Fulton

Notary Public

My Commission expires September 7, 1999...
LEGAL NOTICE

SUMMARIES OF ORDINANCES amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council, as follows:

1. ORD. 99-3. An ordinance was passed January 20, 1999, approving the first chapter of the Land Development Code containing basic provisions for implementation of the Code. Article I, General Provisions, replaces current chapters 17.01 and 17.04, (1) Establishing the official name of Title 17; (2) Stating the purpose; (3) Restating existing prohibition in the sale or transfer of illegal lots; (4) Restating existing provisions of mandatory General Plan-Zoning conformance; (5) Indicating the code applies to all development in Logan; (6) Requiring the City in certain areas that zoning and subdivision regulations are minimum standards. Chapter 17.02, Transitional Provisions, addresses how the City will deal with planning projects in process when the complete code goes into effect; 17.03, Conflicting Provisions, defines how to interpret the Code when there are conflicts.

2. ORD. 99-4. An ordinance was passed and approved January 27, 1999, amending 8.04.001, Uniform Code Adopted. The ordinance adopts the 1997 edition of the Uniform Fire Code, which is the latest edition.

3. ORD. 99-7. An ordinance amending the Zoning Map of Logan was passed January 20, 1999, adopting Amendment #112 rezoning 3.9 acres, or seven lots, owned by Utah State University, from PUB-USU (Public-Utah State University) to SF1 (Single Family Residential) at approximately 1300 North 1400 East and identified as TIN 02-110-0022.

4. ORD. 99-8. An ordinance was passed and approved January 27, 1999, amending 2.30.010 to increase the number of neighborhood council areas from five to six and establishing a council of six persons chosen by the Mayor with the advice and consent of the County. The ordinance provides that one member of the neighborhood council must be a student residing in Logan selected to represent the student population of Utah State University.

5. ORD. 99-10. An ordinance repealing portions of Chapter 15.56 of the Logan Municipal Code and enacting Chapter 17.40, Logan Sign Code, was adopted February 3, 1999, and approved February 5, 1999. The ordinance specifically addresses signs and regulations attached to the specific types of signs. Prohibited signs are specifically addressed. Enforcement of the law, sign measurement, placement, design and the permit process are also outlined, the ordinance requires that all signs with a value of $200 or more shall be installed by a licensed sign contractor. The ordinance implements "honor system enforcement" as a critical component. A footnote

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