

ORDINANCE NO. 10-01

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL MODIFYING VARIOUS REGULATIONS IN THE LAND-USE ORDINANCE

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 12, which is the City's Land Use Ordinance; and

WHEREAS the City Council and the City's Planning and Zoning Commission have determined there is need and good cause to amend the city's land use ordinance to modify:

- 1) The regulations governing accessory dwelling units, and
- 2) The regulatory language regarding the height of buildings.

NOW, THEREFORE, pursuant to Section 12A-302 of Title 12 of North Logan City code and Section 10-9a-205 of Utah Code Un-annotated, 2008, and after ten (10) days' notice and a public hearing as required therein, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

SECTION I: The following definition in TITLE 12A, Section 12A-200 is amended to read as follows:

- (3) "Accessory Dwelling" – A designation associated with a single-family dwelling and any conditionally approved accessory or detached accessory dwelling that provides for a second family to live in the single-family dwelling in addition to the family who are the owners occupying the single-family dwelling or in a conditionally approved detached accessory dwelling located on the same lot as the single-family dwelling which single-family dwelling is occupied by the owners. For the purposes of this definition "Owners" shall mean the individuals, or at least one of the principles in the case of a trust, corporation, limited liability company, partnership, or other entity that owns the single-family dwelling, any detached accessory dwelling and the associated lot on which the single-family dwelling and any detached accessory dwelling are located.

SECTION II: The following paragraphs in TITLE 12C - ZONING, Section 12C-109 is amended to read as follows:

12C-109. Area of Accessory Buildings. No accessory building, detached accessory dwelling, nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

SECTION III: The following paragraphs in TITLE 12C - ZONING, Section 12C-515 - Requirements for Accessory Dwellings in Single Family Residences is amended to read as follows:

12C-515.2 – Conditions for Accessory Dwellings

(A) Accessory dwellings are only allowed by conditional use permit. The Planning Commission shall ensure the following conditions are met before granting a conditional use permit for an accessory dwelling:

(1) *No change.*

(2) *No change.*

Any new construction, remodeling or renovation done to accommodate the accessory dwelling unit shall conform to the building code requirements current at the time of application. In addition, the following shall also conform to the building code requirements current at the time of application and shall apply to all the area within the single family dwelling and approved detached accessory dwelling and may affect portions of, or systems within the existing family dwellings.

Subparagraphs a. – g. No Changes.

The residence (single-family dwelling), including the accessory dwelling or detached accessory dwelling shall be considered a single-family residence rather than a “duplex” as defined by the applicable building codes. – *No change in the rest of the paragraph.*

(3) The accessory dwelling shall may be within and a part of the main single-family dwelling unit or within a detached accessory dwelling, but shall only be allowed in a detached dwelling located on the same owner-occupied lot as the single-family dwelling. Only one accessory dwelling shall be allowed per single-family, owner-occupied lot, whether as an accessory dwelling within the main single-family or within a detached accessory dwelling. Both the single-family dwelling and any detached accessory dwelling shall be owned by the same person(s) or entity. Accessory or detached buildings on the property shall not be approved or designated as an accessory dwelling.

(4) *No change.*

(B) Accessory dwellings shall be licensed approved as such with by the North Logan City Planning Commission. The City Council shall by resolution establish the annual fee for the license. The license shall be good for no more than one year and may be renewable. The city may require an inspection of the premises by either the building or health department as a condition for re-issuance of the annual license.

(C) *No Change.*

(D) Any new entrances or other improvements to the main residence added for the purpose of developing an accessory dwelling shall be located on either the side or back of the residence. The accessory dwelling shall be designed so that the appearance of the buildings remains that of a single-family residence.

12C- 515.3– Procedures for establishing an Accessory dwelling

- (A) Application for a conditional use permit and for an accessory dwelling license shall be made to the Planning Commission in accordance with the conditional use permit procedures given in this title. The application shall include the following:
 - (1) *No change;*
 - (2) A floor plan and site plan of one-fourth inch to the foot scale showing any proposed changes to the buildings and/or how the accessory dwelling is to be established;
 - (3) *No change.*
- (B) *No change.*
- (C) After a conditional use permit has been granted to the owners of the residence for an accessory dwelling the applicant shall pay any fees established for the accessory dwelling, to include but not be limited to, the license fee, inspection fees and any extraordinary costs to the city not otherwise intended to be covered by the fee for the conditional use permit, the license fee, or the inspection fee. Once the fees have been paid the city shall issue an appropriate accessory dwelling license written approval letter to the owners/applicants.

12C- 515.4 – Procedures for Revoking an Accessory Dwelling License or Conditional Use Permit.

An accessory dwelling license approval and the associated conditional use permit shall be revocable for the non-compliance with any of the provisions of this ordinance or any other ordinance of the city. The city shall notify the owner/licensee in writing of its intent to revoke the license and the conditional use permit, and the reasons therefore, at least fourteen (14) days prior to the action being taken. The licensee/permittee shall have the opportunity to correct any problems that caused the notice of intent to revoke to be issued during said fourteen-day period and show proof of such correction to have the license remain in force. The licensee/permittee shall have the right to appeal, in writing, any decision regarding the license/permit to the City Council. The City Council shall consider any appeal on a license/permit revocation within thirty (30) days of receipt of the appeal. In the event of an appeal the license/permit shall remain in effect until after the appeal is considered by the City Council.

12C- 515.5 – Owners Not Occupying Residence for Prolonged Periods.

- (A) The city recognizes that people in the community often vacate their residences for longer periods of time than merely vacations. For examples, university professors take sabbatical leaves of absence and/or are gone for extended periods of time; or people serve church missions and/or are gone from their residences for twelve to twenty-four months at a time. In these cases, the homeowners normally return to their homes. It is important that there be some means for properly authorizing the continuance of an Accessory Dwelling License ~~Conditional Use Permit~~ for extended periods of time when the owners are not occupying the residence, for the above stated or similar reasons. An accessory dwelling may be continued through the time that the owner is temporarily not living in the residence if the following conditions are met:
 - (1) *No change.*

(2) — The owners shall keep their accessory dwelling license current throughout their absence and the surrogate owners shall provide a statement to the city stating that they understand the requirements for maintaining the accessory dwelling and agree to any required inspections.

~~(3)~~ (2) No change.

(B) No change.

(C) If the owners of the residence sell the residence, return from the location that caused their temporary absence and do not occupy the residence upon their return, or otherwise show an intent to not return to the residence in a reasonable amount of time (as determined by the City Council Planning Commission), the status of the residence with an accessory dwelling and the related license permit may be terminated by the City Council and the conditional use permit may be terminated by the Planning Commission.

SECTION IV: The following paragraphs in TITLE 12C, Chapter 12C-1002. Height Regulations, is amended to read as follows:

CHAPTER 12C-1002. Height Regulations

1. In zones FR, A, RE, PR, RB, R-1, and R-2 no main building shall be erected to a height greater than two and one-half stories or 35 feet, whichever is greater, and no residential accessory building shall be erected to a height greater than 35 feet one story or 15 feet whichever is greater.
2. In zones CC, RM and CG no main building shall be erected to a height in excess of 35 feet, provided, however, that building heights in excess of 35 feet may be allowed, subject to the requirement that for each two feet by which the building exceeds 35 feet in height the requirements for side yards shall be increased by one additional foot on each side of the building.
3. No change.
4. No change.
5. In the MX zones, no main building shall be erected to a height greater than two and one-half stories or 35 feet unless approved by the City Council through a Mixed Use Development Plan.

SECTION V: The following paragraphs in TITLE 12C, Chapter 12C-1004. Modifying Regulations, is amended to read as follows:

CHAPTER 12C-1004. Modifying Regulations.

(A) Forest-Recreation Zone (FR)

(1) Side Yards - Main buildings other than dwellings shall have a minimum side yard of 20 feet and the total of the two side yards shall be 40 feet. Private garages, detached accessory dwellings and other accessory buildings located at least 10 feet behind the main building street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

(2) Rear Yards - Private garages, detached accessory dwellings and accessory buildings located at least 10 feet behind the main building may have a rear yard of one foot six feet

provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

(3) *No change*

(B) Agriculture Zone (A)

(1) Side yards - main buildings other than dwelling shall have minimum side yard of 20 feet and the total of the two side yards shall be 40 feet. Private garages, ~~detached accessory dwellings~~ and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

(2) Rear yards - private garages, ~~detached accessory dwellings~~ and accessory buildings located at least 10 feet behind the main building may have a rear yard of ~~one foot~~ six feet provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

(3) *and (4) No change*

(C) Residential Estate Zone (RE)

(1) Side Yards - main buildings other than dwellings shall have a minimum side of 20 feet and the total of the two side yards shall be 40 feet. Private garages, ~~detached accessory dwellings~~ and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

(2) Rear Yards - private garages, ~~detached accessory dwellings~~ and accessory buildings located at least 10 feet behind the main building may have a rear yard of ~~one foot~~ six feet provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

(3) *and (4) No change*

(D) Single-Family Residence Zone (R-1)

(1) Side Yards - main buildings other than dwellings shall have a minimum side of 20 feet and the total of the two side yards shall be 40 feet. Private garages, ~~detached accessory dwellings~~ and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

(2) Rear Yards - private garages, ~~detached accessory dwellings~~ and accessory buildings located at least 10 feet behind the main building may have a rear yard of ~~one foot~~ six feet provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

(3) *No change*

(E) One and Two Family Residence Zone (R-2)

(1) Side Yards - main buildings other than dwelling shall have a minimum side of 20 feet and the total of the two side yards shall be 40 feet. Private garages, ~~detached accessory dwellings~~ and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

(2) Rear Yards - private garages, ~~detached accessory dwellings~~ and accessory buildings located at least 10 feet behind the main building may have a rear yard of ~~one foot~~ six feet provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

(3) *No change*

(F) Multiple Family Residence Zone (RM)

(1) Side Yards - main buildings other than dwellings shall have a minimum side of 20 feet and the total of the two side yards shall be 40 feet. Private garages, ~~detached accessory dwellings~~ and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings. Private garages, ~~detached accessory dwellings~~ and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings. The main building may have a minimum side yard of 10 feet and the total of the two side yards shall be 25 feet, except that the street side yard of a corner lot shall be 20 feet.

(2) Rear Yards - private garages, ~~detached accessory dwellings~~ and accessory buildings located at least 10 feet behind the main building may have a rear yard of ~~one foot~~ six feet provided that on corner lot, the minimum rear yard for all buildings shall be 10 feet.

(3) - (5) *No change*

(G) - (K) *No change*

(L) Professional Zone (PR) -

(1) Side Yards - Other accessory buildings shall be located at least ten feet behind the main building and shall have a side yard of at least ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of twenty feet for main and accessory buildings.

(2) *No change.*

(M) Hospital Zone (HOSP) -

(1) Height Regulations . No building within the zone, other than the main hospital, shall be erected to a height greater than ~~two and one-half stories or thirty-five feet, whichever is greater.~~ The main hospital building shall be not be erected to a height in excess of fifty feet. For each foot by which the main hospital building exceeds thirty-five feet in height, the requirement for side

yards shall be increased by one additional foot on each side of the building. The design of the building and height thereof shall be sensitive to the surrounding buildings and provide transition from lower surrounding structures. The building shall not restrict opportunities for sunlight on adjacent properties with regard to solar panels nor antenna reception.

(2) *No change.*

(N) Mixed Use Zone (MX) -

For all uses listed in the MX-G Zone as permitted (P) or conditional uses (C) the following modifying regulations shall apply:

(1) Side Yards - main buildings other than dwellings shall have a minimum side of 20 feet and the total of the two side yards shall be 40 feet. Private garages, detached accessory dwellings and other accessory buildings located at least 10 feet behind the main building may have a side yard of ~~one foot~~ six feet, except the street side yard of a corner lot shall be a minimum of 20 feet for main and accessory buildings.

(2) Rear Yards - private garages, detached accessory dwellings and accessory buildings located at least 10 feet behind the main building may have a rear yard of ~~one foot~~ six feet provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be 10 feet.

(3) *No change.*

For all uses allowed in the MX-G and MX-CC Zones and designated by "M" in the Zoning Matrix, appropriate modifying regulations shall be approved by the City Council through the Mixed Use Development Plan.

(O) - (R) *No change.*

SECTION VI: The following paragraphs in TITLE 12C, Chapter 12C-1050 - Mixed Use Ordinance, Paragraph 12C-1051 – Development Requirements for Mixed Use Zone , is amended to read as follows:

12C-1051 - DEVELOPMENT REQUIREMENTS FOR MIXED USE ZONE. Properties in the zone designated as Mixed Use (either MX-G or MX-CC) may be developed as permitted or through the conditional use process for those land uses designated with a "P" or a "C" in the Zoning Matrix in 12C-1001 in accordance with the zoning ordinance. Development of any properties zoned MX-G or MX-CC for a use that includes a land-use designated with an "M" in the Zoning Matrix shall be referred to herein as a Mixed Use Project and shall be subject to the regulations in this Mixed Use Ordinance (Sections 12C-1050 through 12C-1057.) Also, development of any properties zoned A, RE, R1 and R2 for a use that includes a land-use designated with an "C(h)" in the Zoning Matrix shall be treated herein as a Mixed Use Project and shall be subject to the regulations in this Mixed Use Ordinance (Sections 12C-1050 through 12C-1057.)

SECTION VII: CONFLICT

To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION VIII: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IX: EFFECTIVE DATE.

In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 17th day of February, 2010.

NORTH LOGAN CITY

By: _____

Lloyd Berentzen, Mayor

ATTEST:



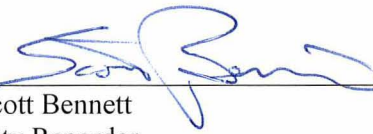
Scott Bennett, City Recorder

CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 10 - 01 on the 22nd day of February, 2010, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 2005 North 1200 East

WITNESS my hand this 22nd day of February, 2010.



Scott Bennett
City Recorder