

NORTH LOGAN ORDINANCE NO. 13-07

**AN AMENDMENT TO THE NORTH LOGAN MUNICIPAL ZONING CODE,
ADDING A REGULATED LAND-USE OF
ADULT-ONLY PRODUCT OR SERVICE BUSINESS**

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 12C, Land Use - Zoning, which is the City's zoning 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 zoning ordinance to include the zoning requirement for businesses that are restricted by law to adults only patronage.

NOW, THEREFORE, pursuant to Title 12, Section 12A-504 of the North Logan City code and Section 10-9a-205 of Utah Code, 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: Add the following definitions in *CHAPTER 12A-200. Definitions:*

**CHAPTER 12A-100. General
12A-200. Definitions.**

The Planning Commission wanted this word "primarily" removed. With Bruce's help we have added the grey highlighted portion to quantify what primarily means in this definition.

Adults-Only Product or Service Business. A business dealing primarily in products or services that are restricted by law for purchase only by adults or by a minor with parent/adult permission. Includes but is not limited to tattoo/body piercing parlors and retail tobacco specialty businesses. As used in this definition, the word 'primarily' is defined to mean an 'Adult-Only Product or Service Business' whose monthly gross sales of adults-only product or service equal thirty-five-percent (35%) or more of the total gross sales of all products or services at such business, or whose display(s) of adults-only product(s) or service(s) or locations where adults-only service(s) are provided, occupy thirty-five-percent (35%) or more of the total square footage of the floor space at the location of such business. Not intended to mean such businesses that are otherwise specifically herein licensed and regulated because of their prohibitions against minors such as: Adult Oriented Businesses or businesses regulated under NLC Code, Title 8, Chapter 600; businesses regulated because of the sale of alcoholic beverages; or businesses selling fireworks. See those separate regulations as they apply.

"Tattoo/Body Piercing Parlor" means a commercial establishment that creates an opening in the body, excluding the ear, for the purpose of inserting jewelry or other decoration and/or the fixing of an indelible mark or figure upon the body by inserting a pigment under the skin or by producing scars.

"Retail Tobacco Specialty Business" is a commercial establishment in which the sale of

tobacco products accounts for the more than 35% of the total annual gross receipts for the establishment, and food and beverage proceeds, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment, and the establishment is not licensed as a pharmacy under Utah Code Title 58, Chapter 17b. Tobacco is defined as any cigar, cigarette, or electronic cigarette and includes chewing tobacco, tobacco paraphernalia or any substitute for tobacco product, including flavoring or additive to tobacco.

SECTION II: MODIFY THE ZONING MATRIX Add to the matrix in Chapter 12C-1001 – “Adults Only Product or Service Business” as a permitted use “P” in the various zones in accordance with the following:

| Land Use Description - Zone | FR | A | RE | R1 | R2 | DT | CCA | CCC | MR8 | MR7 | MXG | RM | PR | CC | CG | MC | M2 | RB | HOSP | |
|---|----|---|----|----|----|----|-----|-----|-----|-----|-----|----|----|----|----|----|----|----|------|--|
| Commercial Services, Retail, & Related Uses | | | | | | | | | | | | | | | | | | | | |
| Adults-Only Product or Service Business | | | | | | | | | | | | | | | | P | | | | |

SECTION III: 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 IV: 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 V: 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 2nd day of October, 2013.

NORTH LOGAN CITY

By 

 LLOYD BERENTZEN, Mayor

ATTEST:



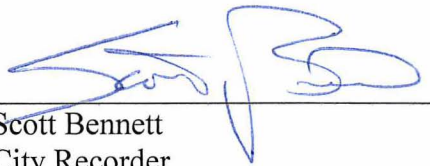
 SCOTT BENNETT, City Recorder

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. 13-07 on the 2nd day of October, 2013, 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, 42 East 2200 North, Suite C

WITNESS my hand this 3rd day of October, 2013.



Scott Bennett
City Recorder