

## **TITLE 12.A. LAND USE - GENERAL PROVISIONS**

### **GENERAL PROVISIONS.**

#### **CHAPTER 12A-100. General.**

12A-101. Short Title. This ordinance shall be known as the "Land Use Ordinance" of North Logan City, Utah, and may be so cited and pleaded.

12A-102. Purpose. This ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of North Logan City, Utah, including amongst other things the lessening of congestion in the streets or road, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and the protection of both residential and nonresidential development.

12A-103. Interpretation. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

12A-104. Conflict. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

12A-105. Effect Upon Previous Ordinances and Map. The existing zoning, subdivision, flood plain management, planning and zoning, and other land use ordinances of North Logan City, including maps, are hereby consolidated into this land use ordinance and are hereby superseded and amended to read as set forth herein; provided, however, that this ordinance shall be deemed a continuation of the previous ordinances, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or non-conforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or non-conforming.

CHAPTER 12A-200. Definitions. For the purpose of this ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future: words in the singular number include the plural and the plural the singular; words not included herein but defined in the Uniform Building Code shall be construed as defined herein.) Listed references to the Utah Code within definitions are for reference only. Definitions are not necessarily always the same between the North Logan Code and the Utah Code.

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- (1) Accessory Building, Residential. See Residential Accessory Building.
- (2) Accessory Buildings, Agriculture. An un-occupied building used for storage or to house farm vehicles/equipment or animals. May include but not limited to: barn, shed, tack room, corral, pen, shop, green house, or other use normally associated with agriculture.
- (3) “Accessory Dwelling” – A designation associated with a single-family dwelling that provides for a second family to live in the dwelling in addition to the family who are the owners occupying the dwelling. For the purpose 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 dwelling and the associated lot. (Ord 01-07)
- (4) Accessory Storage for Multiple Family Residences. Storage units associated with multiple family housing which are used only by the occupants of the housing units.
- (5) Adult Oriented Business or Adult Business. An adult motion picture theater, adult theater, adult bookstore, adult video store, or adult novelty store as defined in Section 8-603 of this Code. Also includes other businesses licensed and regulated under Title 8, Chapter 600, Adult Oriented Businesses. See that chapter for more specific definitions and regulations relating to adult oriented businesses. (Ord. 98-04)
- (6) Agricultural Production. The growing, producing and/or selling of agricultural products produced on-site. May include, but is not limited to the selling of: garden or orchard produce; trees, shrubs, plants/flowers, and sod; or field crops. Does not mean the import of agricultural products for re-sell nor any agricultural industry or business such as produce or meat packing plants, fur farms, animal hospitals or similar uses.
- (7) Airport. Any land which is used, or intended for use for the landing and taking off of aircraft together with adjacent areas for other buildings or right-of-way associated with the airport.
- (8) Alley. A public thorough fare twenty six (26) feet or less width which affords a secondary means of access to abutting property.
- (9) Animal Clinic. See Veterinarian / Animal Clinic / Pet Hospital
- (10) Animal Rights. The keeping, maintaining, or boarding of typical farm animals for family food production, commercial agriculture, or recreational use. May include but is not limited to keeping the following: household pets (see definition) horses, cattle, llamas, donkeys, mules, sheep, goats, chickens, turkeys, ducks, geese, rabbits, pheasants, pigeons, or peacocks.

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- (11) Apartment Court. Any building or group of buildings which contain dwelling units.
- (12) Apartment Hotel/Motel. Any building which contains dwelling units and also satisfies the definition of a hotel/motel, as defined in this ordinance. Must meet zoning requirements as a Hotel.
- (13) Apartment, Multiple Family. A building which contains living facilities or units, including provisions for sleeping, eating, cooking and sanitation for more than two families (three or more units). A single family may occupy each separate living unit in a multi-family apartment or a specified number of unrelated persons may occupy each individual apartment unit instead of a family. The specified number of unrelated persons who may occupy a separate living facility or unit in a multiple family apartment is established by conditional use permit using the guidelines found in Paragraph 12C-513 below. This shall apply only in zones where multiple family apartments are permitted. (Ord. 00-04)
- (14) Assisted Living Facility. (From Utah Code 26-21-2) A residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24 hours per day, to residents who have been assessed, according to Bureau of Health Facility Licensure rules, to need any of these services. Each resident shall have a service plan based on the assessment, which may include (a) specified services of intermittent nursing care; (b) administration of medication; or (c) support services promoting residents' independence and self sufficiency. Also see related definitions: Nursing Home, Residential Facility for Elderly, and Residential Health Care Facility (Small).
- (15) Automobile Service. Facility which includes retail sale of gasoline/diesel; convenience store with gasoline sales; vehicle washing facility; automobile repair/maintenance shops; automotive body shop including painting.
- (16) Bar, Saloon, Tavern. A facility selling beer for consumption on the premises as the major part of the business and licensed as such (Class "C" License (Tavern License)). Includes restaurants which serve beer but exceed the established limits on percent of sales from beer, which limits are set forth in the *Alcoholic Beverage Control Act*.. Not intended to mean a "Restaurant With Liquor License" or "Restaurant With On-Premise Beer License". See related chapter 8-400 which regulates businesses engaged in the sale of alcoholic beverages. (Ord. 98-03)
- (17) Basement. A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.
- (18) Bench Mark. A mark affixed to a permanent or semi- permanent object which designates a line of survey to furnish a datum level.

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- (19) **Boarding House.** Any building which contains living facilities, including provisions for sleeping and sanitation with the following characteristics: (a) on-site manager; (b) designed to accommodate two or more unrelated individuals/tenants, in addition to the on-site manager; (c) term of stay by tenants generally longer than a month (as opposed to a hotel/motel); (d) eating and cooking area may be in common or in individual rooms; (e) usually accommodates individuals rather than families.
- (20) **Building, Accessory.** A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. See also Residential Accessories or Accessory Buildings for Agriculture.
- (21) **Building, Height of.** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between ridge and eaves of a gable, hip or gambrel roof.
- (22) **Building, Main.** The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.
- (23) **Building, Public.** A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.
- (24) **Building.** Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
- (25) **Cabin.** A single family residence occupied on only a seasonal or occasional basis, not year-round use. (Less than 200 days per year).
- (26) **Carport.** A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.
- (27) **Cemetery, Mausoleum.** Grounds for burials, graveyard. May also include associated facilities.
- (28) **Child Day Care Services.** (Per Utah Code 62A-2-101) The continuous care and supervision for any children under 14 years of age in lieu of care ordinarily provided by parents in their home for at least four but less than 24 hours a day and for a fee. Care for four to six children requires state licensing as a child care provider. Care for seven to twelve children requires a group child day care license. In the case of a home occupation providing child day care services, children living in the home as part of the family are counted if they are less than six years of age.

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- (29) Child Pre-school/Short Term Child Day Care. The continuous care and supervision for any children under 14 years of age in lieu of care ordinarily provided by parents in their home for less than four hours a day and for a fee. May include two different sessions, each under four hours, in a day. In the case of a home occupation, children living in the home as part of the family are not counted.
- (30) Church or Other Religious Facility. A facility used for religious worship or other meetings by members of a religious organization. May also include an on-site, single family residence for clergy.
- (31) Club, Private. See Private Club or related definitions - Private Lodge, Fraternal Beneficial Societies.
- (32) Collector Street. A street which carries traffic from minor streets to a major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.
- (33) Concept Plan. A map, plan, or other drawing of a proposed land use or subdivision intended to be used to explain or discuss the proposal. Usually of less detail than a preliminary plat but of sufficient detail to convey the intent of the proposal. A concept plan is intended to show how the proposed project fits into a “macro” scheme with surrounding properties rather than the “micro” details of the proposal itself.
- (34) Conditional Use. A use of land for which a conditional use permit is required pursuant to Chapter 12C-500 of this ordinance. (Ord. 06-19)
- (35) Construction Trade Shops. Facilities used by those trades involved in the construction industry. Facilities may include but not limited to shops, storage, or sales areas for plumbers, window and glass contractors, electricians, carpenters (rough, finish, or cabinets), floor covering providers, painters, or drywall or siding contractors, or masons. Does not include heavy equipment, earth moving, asphalt paving or concrete contractors.
- (36) Correctional Facility. (Utah Code 64-13-1) Any facility operated or licensed by a government entity to house offenders, either in a secure or non-secure setting. A facility associated with a municipal police station which is used to temporarily house an offender is not considered a correctional facility.
- (37) Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings. and which is bounded on two (2) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same general direction as the yard or lot line on which the court

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- opens. The length of a court is its least horizontal dimension measured at right angles to its width.
- (38) Cul-de-sac. A minor street having one open end and being terminated at the other by a vehicular turnaround.
  - (39) Dairy. A commercial establishment for manufacture or processing of dairy products.
  - (40) Day Care/Nursery. See Child Day Care Services or Child Pre-school/Nursery School.
  - (41) District. A portion of the area of North Logan, Utah shown on a map attached to this zoning ordinance and given a district name.
  - (42) Dog Kennel - See Kennel/Cattery or Fixed Dog Run (Ord. 03-01)
  - (43) Dormitory, Fraternity or Sorority. Any boarding or rooming house sponsored by and associated with a school, university or a legitimate fraternity or sorority.
  - (44) Dude Ranch. A recreational facility where patrons participate in equestrian related activities. May include facilities for the temporary boarding of patrons. Also see related definitions - Riding Stables, Equestrian Park.
  - (45) Dwelling. For the purposes of this ordinance dwelling means the same as residence
  - (46) Easement. The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
  - (47) Equestrian Park. See Riding Stables, Equestrian Park.
  - (48) Family Food Production. The raising, keeping or maintaining of animals for use as food by the family residing on the premises. See related definitions: Animal Rights, Household Pets.
  - (49) Family. Persons related by blood, marriage or adoption. A family is further defined to include one (1) additional unrelated individual living with the family; or up to four (4) children living with the family in a licensed foster care or host home; or one (1) additional child (three (3) if siblings) living in a proctor care home. This shall apply in all zones where dwellings are permitted. See also the definition herein of "Related". (Ord. 99-07)

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- (50) Final Plat. A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.
- (51) Fireworks Stands. A temporary structure used exclusively for the sale of fireworks. Must be done in accordance with applicable city ordinances (see City Ord. 15-521)
- (52) Fixed Dog Run - a fenced in and/or covered structure with or without an impervious floor surface used to house or contain a dog(s) in a relatively limited area. Not meant to include merely keeping a dog attached to a line or keeping a dog in a fenced in yard. See CHAPTER 12C-1004. Modifying Regulations, Paragraph (O) for regulations on setbacks for fixed dog runs. (Ord. 03-01)
- (53) Flag lot. An irregularly shaped lot in which the buildable section of the lot(s) is(are) connected by a narrow strip of real property that provides the access to a public street and in which the width of the arm does not meet the minimum lot width standards in the zone in which it is located; and meets the requirements in Chapter 12D-307.
- (54) Food Service. Businesses which prepare food for sale, ready to eat, either take-out or to be eaten on the premises. Includes such businesses as a cafeteria, restaurant, caterer, fast food facility (incl. drive-in), or cafe. Not intended to mean any type of restaurant which serves alcoholic beverages (see related definitions under “Restaurant ...”)
- (55) Foster Care. Foster care is temporary care given in a home to a child or children who are in state custody under the Division of Child and Family Services (DCFS). A foster care home is under contract with the DCFS and can have no more than four foster children in the home; and the total number of children in the home under age eighteen (18), including the children of the host parents, cannot exceed six (6). That number of children can only be exceeded under special circumstances when directed by court order (for example where the children in a family are ordered not to be split up). The home must be licensed with the Office of Licensing, Department of Human Services and a municipal home occupation license is required from the City. Children being adopted by the parents with whom they are living but who are technically foster children and wards of the state pending the adoption, are considered as being adopted for the purposes of this ordinance. See related definitions – Proctor Care and Host Home. (Ord. 99-07)
- (56) Fraternal Beneficial Societies. See Private Club or related definitions - Private Lodge, Fraternal Beneficial Societies.
- (57) Fraternity. See Dormitory, Fraternity or Sorority.
- (58) Frontage. All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end

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street, or political subdivision boundary, measured along the street line. And intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

- (59) Garage, Private. An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have roof or wall in common.
- (60) Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.
- (61) Go-Kart Track. A commercial recreational facility where patrons ride motorized go-karts on premises.
- (62) Golf Course. Self explanatory. May include club house and other accessory buildings.
- (63) Government (Fed., State, Local) Administrative Office. Any administrative business office used by either the federal, state or local government.
- (64) Grade. (a) For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street. (b) For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining the streets. (c) For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.
- (65) Gravel Pit. See Mines, Quarries, and Gravel Pits
- (66) Group Home for Homeless or Transients. A residence for two families or more on a short term basis for those persons determined to need temporary housing due to inability to pay or to ensure the health and/or safety of the individual(s). Residence would normally be operated by a governmental, religious, non-profit or philanthropic organization.
- (67) Health Care Facility. (as per Utah Code 26-21-2 except for those health care facilities otherwise listed herein) Includes general acute hospitals, specialty hospitals, home health agencies, hospices, birthing centers, ambulatory surgical facilities, facilities owned or operated by health maintenance organizations, end-stage renal disease facilities and any other health care facility which the State of Utah's Health Facility Committee designates

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- by rule. Does not include the offices of private physicians or dentists whether for individual or group practice.
- (68) Heavy Construction Shops/Yards. Facilities used by those in the construction industry and using heavy equipment for earth moving.
- (69) Heliport. Any land which is used, or intended for use for the landing and taking off of helicopters when such land is associated with another facility which requires the use of the heliport such as a hospital.
- (70) High Tech. Manufacturing & Research. Any use consistent with the “Declaration of Covenants, Conditions and Restrictions of the Utah State University Research and Technology Park” as filed with the Cache County Recorder 26 October, 1987.
- (71) Home Occupation. Businesses operated in a residence/home in compliance with Chapter 8-500. Home occupations are further defined as Non-Disruptive or Potentially-Disruptive to describe their potential for conflicting with the residential character of the neighborhood.
- (72) Home Providing Residential Care for Minors. A group care facility providing “substitute care” (as defined in Utah Code 62A-4a-101) for no more than sixteen minors who are in State custody through the Utah Department of Human Services (DHS includes Division of Family Services and Division of Youth Corrections). The facility must be licensed as such by the Utah Department of Human Services.
- (73) Host Home. A host home is a home that provides temporary care to a child or children in a home like setting. The children are not in state custody but for some reason their parents place them in the care of the host home. A host home is under contract with a placement agency that is licensed by the Office of Licensing, Department of Human Services. The host home can have no more than four hosted children in the home and the total number of children in the home under age eighteen (18), including the children of the host parents, cannot exceed six (6). The host home must be licensed as a home occupation with the City. See related definitions – Foster Care and Proctor Care. (Ord. 99-07)
- (74) Hotel or Motel. Any building which is designed to cater to transient occupancy, offering temporary rooms which are used, rented or hired out to individuals or families. To be classified as a hotel or motel, an establishment must have at least six guest rooms and shall furnish services such as linens, maids and furnishings.
- (75) Household Pets. Animals or fowl ordinarily permitted in the house and kept for company or pleasure. May include but is not limited to dogs (one or two), cats, birds, fish, monkeys, rodents, and non-venomous reptiles. Not intended to include wild animals, or

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animals which are dangerous or pose a threat to health and safety. Also not intended to mean otherwise permitted animals in such excessive numbers that they pose a threat to health and safety. See related definitions: Animal Rights, Dog Kennel, and Family Food Production.

- (76) Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles or part(s) thereof, iron, steel and other old scrap ferrous or nonferrous material.
- (77) Junkyard. Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile salvage yard. The term also includes garbage and sanitary land fills.
- (78) Kennel/Cattery - An establishment of three (3) or more dogs or five (5) or more cats and regulated by zoning and a "conditional use permit". (Ord. 03-01)
- (79) Library. Public or Private. A facility where books and educational resources are loaned or made available to the public. Intended to also included discovery centers and science or other types of learning centers. (Ord 04-07)
- (80) Livestock Feedyard. A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale or otherwise.
- (81) Lodge. See Private Club or related definitions - Private Lodge, Fraternal Beneficial Societies.
- (82) Lot, Corner. A lot abutting on two intersections or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty five (135) degrees.
- (83) Lot, Interior. A lot other than a corner lot.
- (84) Lot. A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory) together with such yards, open spaces, lot width and lot area as are required by this ordinance and having frontage upon a street.
  - (a) Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.
  - (b) A fee simple parcel of a lot which complies with the requirements of this ordinance for subdivisions or planned unit developments shall be deemed a "lot"

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for the purposes of this ordinance. (c) A lot shall also mean a portion of a subdivision intended as a unit for development or transfer of ownership.

- (85) **Manufacturing, High Impact.** Manufacturing process which may emit higher amounts of detectable dust, odor, smoke, gas or fumes beyond the property lines of the lot upon which the use is located and which may generate higher levels of noise or vibrations above the ambient level. May include but not limited to: tire recapping / retreading shop, ready-mix concrete or asphalt plants, the production of petroleum products.
- (86) **Manufacturing, Light Impact.** Manufacturing process which do not emit detectable dust, odor, smoke, gas or fumes beyond the property lines of the lot upon which the use is located and which do not generate noises or vibrations above the ambient level of noise. As an example it may include but is not limited to manufacturing normally associated with health care such as that done in medical/dental laboratories or optical product production. May also include sales of the products on-site.
- (87) **Manufacturing, Moderate Impact.** Manufacturing process which may emit limited amounts of detectable dust, odor, smoke, gas or fumes beyond the property lines of the lot upon which the use is located and which may generate moderate levels of noise or vibrations above the ambient level. May include but not limited to: automotive parts rebuilding (including sales of same); furniture repair, refinishing, re-upholstering and furniture construction; clothing/textile manufacturing; and manufacturing and/or assembling of electronic products. May also include sales of the products on-site.
- (88) **Mines, Quarries, and Gravel Pits.** Self explanatory. May include use of equipment and operations incidental to these uses such as crushing, screening and hauling.
- (89) **Mobile Home or Trailer Park.** A tract of land under single ownership or management on which two or more mobile home spaces are leased, rented or used; or offered for lease, rent or use to accommodate mobile homes for residential purposes.
- (90) **Mobile Home Space.** A specific area of land within a mobile home park designed to accommodate one mobile home.
- (91) **Mobile Home.** A vehicular transportable structure built on a chassis in one or more sections with plumbing, heating, and/or electrical systems contained within the structure which, when erected on site and with or without a permanent foundation, is used or could upon connection to utilities be used, as a single family dwelling or for family purposes.
- (92) **Mortuary or Crematorium.** Business dealing with care of the dead and their preparation for burial or cremation. May include chapel or other facilities for funerals.

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- (93) Motel. See Hotel
- (94) Municipal Fire or Police Station. Self explanatory.
- (95) Museum. An institution devoted to the procurement, care and display of objects of lasting interest or value.
- (96) Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as identified in the city's Master Plan or Sensitive Lands Map, the Federal Emergency Management Agency's Flood Insurance Rate Map, or as otherwise determined by the City Engineer.
- (97) Noncomplying Structure. A structure that: (a) legally existed before its current land use designation; and (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land. (Ord. 06-19)
- (97b) Nonconforming Use. A use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the land use ordinance governing the land changed; and (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. (Ord. 06-19)
- (98) Nursery School. See Child Day Care Services or Child Pre-school/Short term Child Day Care.
- (99) Nursing Home. (Utah Code 26-21-2) A health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation of rehabilitation needs; or (c) a supervised living environment that provides support training, or assistance with individual activities of daily living. Also see related definitions: Assisted Living Facility, Residential Facility for Elderly, and Residential Health Care Facility (Small).
- (100) Office/Service, Professional. Businesses with traditionally low impact on residential zones, in an office-type facility generally providing services to customers by the herein listed professionals. Offices/clinics for any of the following: architect, interior designer, artist, CPA, lawyers/attorneys, engineer, land surveyor, appraisers, chiropractor, dentist,

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doctors/physicians, nurse, psychiatrist/psychologist, physical therapist, optometrist, pharmacist, or other Utah state-licensed health care provider. Also may include offices for insurance, advertising/marketing, property management, and real estate. Not intended to mean the same as related definition - Health Care Facility.

- (101) Offices, City Administrative. Any administrative business office used by the North Logan City government.
- (102) Official Map. Any map adopted by the commission under the provisions of Title 10, Chapter 9, Utah Code Annotated, 1953 as amended.
- (103) Owner. Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.
- (104) Parcel of Land. A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
- (105) Parking Facility, Commercial. Automobile parking for a fee, a facility for commercial truck and/or trailer parking or storage, or a facility for parking/storage of recreational vehicles, travel trailers, or other similar items.
- (106) Parking Lot. An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as accommodation for clients and customers.
- (107) Parking Space. Space within a building, lot or parking lot for the parking or storage of one (1) automobile.
- (108) Pet Hospital. See Veterinarian / Animal Clinic / Pet Hospital.
- (109) Pets. See Household Pets.
- (110) Planning Commission. The North Logan Planning and Zoning Commission unless another planning commission is specifically named.
- (111) Post Office. A postal service center operated by the U.S. Postal Service
- (112) Pre-School. See Child Day Care Services or Child Pre-school/Nursery School.
- (113) Preliminary Approval. An approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and City Council, if required, and provides the necessary authority to proceed with the preparation and presentation of the final plat.

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- (114) Preliminary Plat. A map or plan of a proposed land division or subdivision.
- (115) Private Club. Any facility operating as a private club licensed under Utah Code 32A Chapter 5 “Private Club Liquor Licenses”.
- (116) Private Lodge, Fraternal Beneficial Societies. Facilities used for the meetings place of a fraternal as defined by Utah code 31A-9-101. Not intended to mean a private club which serves alcoholic beverages.
- (117) Private Day Nursery or Kindergarten. See Child Day Care Services or Child Pre-school/Short term Child Day Care.
- (118) Proctor Care. Proctor care is temporary care given in a home to a child who is in state custody under the Division of Youth Corrections (DYC). A proctor care home is under contract with the DYC and can have no more than one (1) proctor child in the home or up to three (3) if they are siblings, and the total number of children in the home under age eighteen (18), including the children of the proctor parents, cannot exceed six (6). That number of children can only be exceeded under special circumstances when directed by court order (for example where the children in a family are ordered not to be split up). The home must be licensed with the Office of Licensing, Department of Human Services and a municipal home occupation license is required from the City. See related definitions – Foster Care and Host Home. (Ord. 99-07)
- (119) Quarries. See Mines, Quarries, and Gravel Pits
- (120) Reception centers. See Wedding Chapels, Reception centers
- (121) Recreation Facility, Private/Commercial. A commercial facility where patrons are charged a fee or have a membership in order to participate. May include, but is not limited to: fitness, swimming, tennis, and/or other type athletic club. May also include commercial recreation centers such as, bowling, video/computer, or billiards centers; commercial skating centers (ice, roller or skateboarding); sport climbing facilities; facilities for dance, tumbling, martial arts, or other similar instruction; and miniature golf course. Not intended to mean related definition of “Go-Kart Track”.
- (122) Recreation Facility, Public Access. Park, playground, swimming pool, sports fields and courts, or municipal recreation center. Facilities would normally be operated by or under the control of the county or city. May also include similar facilities with access limited to neighborhood residents. Such limited public access facilities would usually be open only to residents of the neighborhood such as could be found in a PUD or a facility established and maintained by a neighborhood home owners’ association. Not intended to mean recreation facilities associated with a residence as defined under “Residential Accessories”.

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- (123) Recreational Vehicle (Travel Trailer) Overnight Park. A tract of land under single ownership or management on which two or more recreational vehicle or travel trailer spaces are leased, rented or used; or offered for lease, rent or use to accommodate recreational vehicles or travel trailers on a temporary (generally less than four month) basis.
- (124) Related. Related by blood, marriage or adoption within the definition of “family” means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
- (125) Rental Service Stores. Rental business dealing in rental of products such as: automobiles, trucks, trailers, construction equipment, lawn and garden equipment, or recreation and sporting equipment.
- (126) Residence, Family. Any building or portion thereof, which is designed for use for residential purposes specifically to include single-, two-, three- and four-family residences and also cabins. Not intended to include the following: multiple family apartments, hotels, apartment hotels, boarding or rooming houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, dormitories, mobile homes, residential facility for the elderly or handicapped persons, or any institutional dwellings as listed in the matrix in Chapter 12C-1001. (Ord. 00-04)
- (127) Residence, Single Family. Any building which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family. (“Family” as defined herein).
- (128) Residence, Three or Four Family. Any building which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for more than two but not more than four families. (“Family” as defined herein).
- (129) Residence, Two Family. Any building which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than two families. (“Family” as defined herein).
- (130) Residential Accessory Building . An un-occupied building used for storage or to house a vehicle, shop, green-house, or other uses normally associated with a dwelling. Includes detached garage or shed and buildings used to house permitted animals. Also includes recreation facilities associated with the residence such as, but not limited to tennis courts, swimming pools, playground-type structures.

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- (131) Residential Facility for Elderly. (Utah Code 10-9a-519 applies) A facility which is not run as a business but a fee may be charged residents for food or for actual and necessary costs of operation and maintenance of the facility. It shall (a) be owned by one of the residents or by an immediate family member of one of the residents or a facility for which the title has been placed in trust for a resident; (b) be consistent with existing zoning, and (c) be occupied on a 24-hour basis by eight or fewer elderly persons (60 years of age or older) in a family-type arrangement. Residents must be capable of independent living. Also see related definitions: Assisted Living Facility, Nursing Home, and Residential Health Care Facility (Small).
- (132) Residential Facility for Persons. With a Disability (Utah Code 10-9a-520 applies) A facility for persons with a disability which shall (a) be consistent with existing zoning; (b) be occupied on a 24-hour-per-day basis by eight or fewer handicapped persons with a disability in a family-type arrangement under the supervision of a house family or manager; (c) conform to all applicable standards and requirements of the Utah Department of Human Services; and (d) be licensed as such by the Utah Department of Human Services. (Ord. 09-08)
- (133) Residential Health Care Facility, Small. (Utah Code 26-21-2) A facility providing assistance with activities of daily living and social care to at least two but no more than sixteen residents who require protected living arrangements. Residents generally do not need continuous nursing care or supervision but do need some limited health care. Also see related definitions: Assisted Living Facility, Nursing Home, and Residential Facility for Elderly. (Ord. 09-08)
- (134) Restaurant: See Food Service definition plus related definitions for restaurants with alcoholic beverages below.
- (135) Restaurant With Liquor License. A Food Service establishment which serves food as its primary function and in addition to serving food also serves alcoholic beverages (beer, wines and liquors). Total sales of alcohol not to exceed thirty percent (30%) of sales. Not intended to mean a “Bar, Saloon, or Tavern” (See that related definition). Must maintain appropriate licenses from the State of Utah and the City. See related chapter 8-400 which regulates businesses engaged in the sale of alcoholic beverages.
- (136) Restaurant With On-Premise Beer License. A Food Service establishment which serves food as its primary function and in addition to serving food also serves beer. Sale of beer to patrons is contingent upon ordering food with any beer purchased. Total sales from beer not to exceed fifty percent (50%) of sales. Not intended to mean a “Bar, Saloon, or Tavern” (See that related definition). May include establishments which produce/manufacture limited amounts of the beer on site. Must maintain appropriate licenses from the City (class “B” license (Consumption on-premises beer license)) and

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from the State of Utah. See related chapter 8-400 which regulates businesses engaged in the sale of alcoholic beverages. (Ord. 98-03)

- (137) Riding Stables, Equestrian Park. Facility providing for recreational horse riding or boarding either as a commercial enterprise or a public facility. See related definition - Dude Ranch.
- (138) Roomer. One who occupies a hired room in another's house.
- (139) Rooming House. See Boarding House.
- (140) Sales & Service, Heavy. Facility providing for mobile home or manufactured home sales; sales, service or repair of recreational vehicles, large trucks, farm equipment, or construction equipment.
- (141) Sales and Services, General. Facility providing for the sale of retail and consumer goods. Includes but is not necessarily limited to department or discount stores or malls, furniture or appliance sales and service; sales, service, and/or parts sales for automobiles or light trucks; garden, floral shop, nursery or crafts store, retail lumber/hardware sales, key shop, pawn shop, package liquor store, convenience store without gasoline sales, sporting goods stores, book/stationary store, bakery, art gallery, pet store, shoe or leather goods store, or grocery store. Also intended to include rental of multimedia items such as videos, computer games, etc. and such service businesses as travel agencies and financial institutions (banks, credit unions, and savings and loan offices). Also includes the seasonal sale of Christmas trees. Includes businesses which primarily provide services to customers but also have some product sales. May include but not limited to: laundromat with self service washer, dryers etc.; commercial laundry or dry cleaning shop; printing or lithographic shops; clothing repair, alterations or tailoring; repair shops for appliances or electronic/electric equipment; or commercial postal/mailing service store.
- (142) School, Private or Public, College or University. An educational institution which meets any of the definitions in Utah Code: 53B-5-105.
- (143) School, Proprietary. A private educational institution, including business, modeling, paramedical, tax preparation, trade and technical schools, which offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational, professional, or vocational objectives, other than those schools listed in Utah Code 53B-5-105.
- (144) Seniors Housing. Any facility which contains living quarters and provisions for sleeping, eating, cooking and sanitation to persons over the age of fifty-five (55). Also see related definitions: Nursing Home, Residential Facility for Elderly, Assisted Living Facility, and Residential Health Care Facility (Small). (Ord. 01-03)

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- (145) Sexually Oriented Business – See Adult Oriented Business or Adult Business. (Ord. 98-04)
- (146) Sign. Any device used for visual communication to the general public and displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge, or ensign of any governmental agency. The various types of signs are further defined in Chapter 12C-600.
- (147) Solid Waste Facility. Any solid waste (non-hazardous or hazardous) recycling, sorting, treatment, storage or disposal facility as defined in the Utah Solid and Hazardous Waste Act.
- (148) Sorority. See Dormitory, Fraternity or Sorority
- (149) Stable, Private. A detached accessory building for the keeping of a horse(s) owned by the occupants of the premises and not kept for remuneration, hire, or sale.
- (150) Stable, Public. A stable other than a private stable.
- (151) Storage, Large, Warehouse-type. A facility under single ownership or management in which storage or warehouse space is made available for rent or lease or the area is used for storage by the owner.
- (152) Storage, Small, Multi-unit. A facility under single ownership or management in which multiple storage units are leased, rented or used by patrons. Individual storage units are typically smaller than 300 square feet in size.
- (153) Story, Half. A story with at least (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.
- (154) Story. A space within a building included between surface of any floor and the surface of the ceiling next above.
- (155) Street Centerline. The center of the street as established by a recorded plat or city survey.
- (156) Street, Major. A street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the master street plan as a controlled-access highway, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.

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- (157) Street, Minor. A street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.
- (158) Street. A public thoroughfare which affords principal means of access to abutting property, and is more than twenty six (26) feet wide.
- (159) Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams, or girders.
- (160) Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
- (161) Subdivision. The division of a tract, or lot or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment. Further the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the North Logan City Recorder. The word subdivide and any derivative thereof shall have reference to the term subdivision as herein defined.
- (162) Telecommunications Facility - An unmanned structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular" or "PCS" (Personal Communications System) communications and paging systems, whether commercially or privately operated. (Ord. 03-06)
- (163) Theater. Commercial facility for presenting movies and/or on-stage performances for walk-in audiences
- (164) Trailer or Camper. A vehicle with or without motive power or wheels, designed to be used for human habitation.
- (165) Trailer Park. See Mobile Home or Trailer Park
- (166) Transportation Systems. See Utility or Transportation Systems
- (167) Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
- (168) Utility or Transportation Systems, Support Facilities for. Shops; storage facilities/yards; water or wastewater treatment facilities; facilities for repair and/or

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storage of associated equipment, vehicles or supplies; electricity production plant; and transportation/transit service storage areas, shops or garages.

- (169) Utility Systems, Distribution Elements For. Telephone, television, or radio switching, relay, or transmitting equipment; water pumping, water pressure reduction or sewage stations and lines; irrigation canals and associated distribution lines/ditches; natural gas metering and transmission stations and lines; and electrical distribution lines (7,200 - 12,470 volts not including high voltage). The height of these types of facilities are limited in accordance with section 12C-1004, Modifying Regulations, paragraph (R). Includes power poles and lines used for electrical distribution but not intended to include high voltage electrical transmission lines or electrical substations, telecommunications facilities or telecommunications towers. (Ord. 03-06, Ord 04-20).
- (170) Utility Systems - High Voltage Electrical Transmission Lines and Electrical Substations. High voltage (46,000 - 138,000 volts) electrical transmission lines whether above ground on poles or towers or buried underground. Also includes electrical substations. The placement and approval of these types of facilities are limited in accordance with section 12C-1004, Modifying Regulations, paragraph (R). Includes high voltage power poles and towers but is not intended to include lower voltage electrical distribution lines, telecommunications facilities, telecommunications towers. (Ord. 04-20)
- (171) Utility or Transportation Systems, Business Offices for. Radio or television offices/stations; natural gas, telephone, cable TV, and other utility system business offices; and transportation/transit business offices or stations.
- (172) Telecommunications Tower. A structure typically higher than thirty-five feet (35') and high relative to its surroundings that supports telecommunications facilities including; telephone, telegraph, fiber optic signals, cellular services for both analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive. The height of these types of facilities are limited in accordance with section 12C-1004, Modifying Regulations, paragraph (Q). (Ord. 04-20).
- (173) Transportation Systems, Distribution Elements For. Railroad tracks and right-of-way; and public transit access points and bus stops. (Ord. 04-20)
- (174) Veterinarian / Animal Clinic / Pet Hospital. A facility used by a licensed veterinarian to diagnose or treat any disease, defect, deformity, wound, injury or physical condition of any animal. May also include facilities to temporarily board animals.
- (175) Wedding chapels, Reception centers. Facility which can be rented for weddings, receptions or other similar uses.

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- (176) Wholesale Sales. Facility providing for the sale of wholesale goods. May include but is not limited to: wholesale petroleum bulk storage & sales, storage and sale of items to stock typical retail sales outlets, or storage and sale of goods to construction or manufacturing businesses.
- (177) Width of Lot. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.
- (178) Yard, Front. A space on the same lot with a building, between the front line of the building (exclusive of steps) and the front lot line, and extending across the full width of the lot.
- (179) Yard, Rear. A space on the same lot with a building, between the rear line of the building (exclusive of steps and chimneys) and the rear line of the lot and extending the full width of the lot.
- (180) Yard, Side. A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.
- (181) Yard. A space on a lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.
- (Ord. 97-04, Ord. 97-03, Ord. 96-06, Ord. 95-02, Ord. 94-08, Ord. 94-01, Ord. 92-04, Ord. 92-02, Ord. 91-03, Ord. 98-04, Ord. 99-07, Ord 01-03, Ord 01-07, Ord. 02-14, Ord. 04-20)

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### **CHAPTER 12A-300. Changes and Amendments.**

12A-301. Powers of the Governing Body to Change Zoning. It shall be lawful for the governing body from time to time as necessity may arise to change or modify any regulation or restrictions with respect to zoning or building or uses of land.

12A-302. Deleted Ord. 06-19.

### **CHAPTER 12A-400. Limits and Penalties.**

12A-401. Building Permits to Comply. From time of the effective date of this ordinance, the Building Inspector shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of the ordinance nor shall any North Logan City officer grant any permit or license for the use of any building or land if such use would be in violation of this ordinance.

12A-402. Licensing to Comply. All departments, officials and public employees of North Logan City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if used in conflict with the provisions of the ordinance, shall be null and void.

12A-403. Penalties. Except as provided in Section 12C-610. any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a class C misdemeanor. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continues or permitted by such person, firm or corporation. (Ord. 06-06, Ord. 06-19)

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**CHAPTER 12A-500. Notice Requirements.** (Ord. 06-19)

12A-501. Required Notice. At a minimum, the City shall provide actual notice or the notice required by this part.

12A-502. Applicant Notice—Waiver of Requirements.

- (A) For each land use application, the City shall:
  - (1) Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
  - (2) Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
  - (3) Notify the applicant of any final action on a pending application.
- (B) If the City fails to comply with the requirements of Subsection (A)(1) or (2) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

12A-503. Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications.

- (A) The City shall provide:
  - (1) Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
  - (2) Notice of each public meeting on the subject.
- (B) Each notice of a public hearing under Subsection (A)(1) shall be at least ten calendar days before the public hearing and shall be:
  - (1) Published in a newspaper of general circulation in the area;
  - (2) Mailed to each affected entity; and
  - (3) Posted:
    - (a) In at least three public locations within North Logan City; or
    - (b) On the City's official website.
- (C) Each notice of a public meeting under Subsection (A)(2) shall be at least 24 hours before the meeting and shall be:
  - (1) Submitted to a newspaper of general circulation in the area; and

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- (2) Posted:
  - (a) In at least three public locations within North Logan City; or
  - (b) On the City's official website.

**12A-504. Notice of Public Hearings and Public Meetings on Adoption or Modification of any Land Use Ordinance other than the General Plan.**

- (A) The City shall give:
  - (1) Notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use ordinance; and
  - (2) Notice of each public meeting on the subject.
- (B) Each notice of a public hearing under Subsection (A)(1) shall be:
  - (1) Mailed to each affected entity at least ten calendar days before the public hearing;
  - (2) Posted:
    - (a) In at least three public locations within North Logan City; or
    - (b) On the City's official website; and
  - (3)
    - (a) Published in a newspaper of general circulation in the area at least ten calendar days before the public hearing; or
    - (b) Mailed at least three days before the public hearing to: Each property owner whose land is directly affected by the land use ordinance change; and each adjacent property owner.
- (C) Each notice of a public meeting under Subsection (A)(2) shall be at least 24 hours before the meeting and shall be posted:
  - (1) In at least three public locations within North Logan City; or
  - (2) On the City's official website.

**12A-505. Adjacent Property Owners Notice Under Subsection 12A-504(B)(3)(b).**

- (A) If the City elects to provide notice to adjacent property owners, under subsection 12A-504(B)(3)(b) the City shall:
  - (1) Mail notice to the record owner of each parcel; or

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- (2) Post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
- (B) If the City mails notice to adjacent property owners, it shall mail equivalent notice to property owners within an adjacent jurisdiction.
- (C) For purposes of this section “Adjacent Property Owners” includes owners of those properties contiguous to the subject property and owners of properties that are not contiguous only because a canal or public right-of-way separates the same from the subject property.

### **12A-506. Notice for a Proposed Subdivision or Subdivision Amendment (Residential, Multiple-Unit Residential, Commercial, or Industrial Subdivisions)**

- (A) Except for an exempt subdivision under U.C.A Section 10-9a-605, for a proposed subdivision or an amendment to a subdivision, the City shall provide notice of the date, time, and place of a public hearing that is:
  - (1) Mailed not less than three calendar days before the public hearing and addressed to the record owner of each parcel within the subdivision and adjacent to the subdivision; or
  - (2) Posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (B) The City shall mail notice to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential subdivision or a commercial or industrial subdivision.
- (C) The City shall provide notice as required by Section 12A-507 for a subdivision that involves a vacation, alteration, or amendment of a street.

### **12A-507. Hearing and Notice for Proposal to Vacate, Alter, or Amend a Public Street or Right-of-Way.** For any proposal to vacate, alter, or amend a public street or right-of-way, the land use authority shall hold a public hearing and shall give notice of the date, place, and time of the hearing by:

- (A) Mailing notice as required in Subsection 12A-506;
- (B) Mailing notice to each affected entity; and
- (C) Publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the North Logan.

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12A-508. Names and Address of Third Party Persons. In addition to any other information required from an applicant or petitioner under the provisions of the Land Use Ordinance, each applicant or petitioner shall submit to the municipality, with the required application or petition, a list stating the names and addresses of all owners of all relevant real property in order for the City to mail notice as set forth in this Ordinance. The cost of forwarding the notices may be charged to and collected from applicant or petitioner.

12A-509. Property Owner Whose Land is Directly Affected. For purposes of this section, a property owner whose land is directly affected shall be any person who will suffer some prejudice or harm that is different from the public as a whole.

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**12A-600. Enforcement.**

The mayor, or such other officer or employee of the City designated by the mayor, is responsible for the enforcement of this ordinance. (Ord. 06-19)