

ORDINANCE NO. 16-08

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 North Logan Planning and Zoning Commission and City Council have determined there is need and good cause to amend the city's land use ordinance to more appropriately regulate the development of trails within the City.

NOW, THEREFORE, pursuant to North Logan Municipal Code, Section 12A-504 and Utah State Code, Section 10-9a-205, 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:

AN ORDINANCE AMENDING TITLE 11 STREETS AND PUBLIC WAYS AND TITLE 12- LAND USE ORDINANCE OF THE CITY'S CODE OF REVISED ORDINANCES BY MODIFYING CERTAIN SECTIONS TO BETTER REGULATE TRAILS IN ALL AREAS OF THE CITY

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

TITLE 11 STREETS AND PUBLIC WAYS

CHAPTER 11 – 400 Major Street Plan.

*Sections 11-401 through 11-402 - no changes.*

Add: **Section 11-402 Major Trails Plan**

**(A) The map attached to this Ordinance, with any subsequent amendments or additions is hereby established as the Official Map and Major Trails Plan of North Logan.**

TITLE 12 LAND USE

CHAPTER 12C Land Use - Zoning

Section 12C-118 Setback/**Easement** Requirements Along Irrigation Canals

**Modify:** All subdivisions adjacent to canals and occurring after February 18, 2005 shall establish and identify on the Subdivision Plat, a **permanent** fifteen-foot (15') Irrigation Canal Setback/**Easement** from the top edge of canal banks on the west **and east side or south and north banks** of each canal in the City **for the purpose of providing public access to the canal for maintenance and recreational purposes.** An Irrigation Canal Setback/**Easement** shall prohibit buildings, fences, trees, **shrubs**, accessory structures, **temporary or permanent improvements, debris** or installed equipment, other than equipment required for the operation of irrigation systems. **Nothing may be placed in the set-back that would impede vehicle/equipment passage for canal maintenance.** The Setback required by this Paragraph may overlap (in whole or in part) but shall not supplant, replace, increase, or reduce the rights of any canal company with regard to any previously established canal maintenance easement/right-of-way. **Cost and continued maintenance of trail easements, developed within a project shall be the responsibility of the owner of the project in which the trail is located.**

ORDINANCE NO. 16-08

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

CHAPTER 12D Land Use – Subdivisions

Section 12D-103 Definitions

Add: (47) Trails. A trail is a contiguous pathway, separated from roadways and driveways that provides non-motorized transportation and recreation opportunities, and adheres (or connects to) the City's Parks and Trails Master Plan.

*(48) through (58) to be renumbered accordingly.*

Section 12D-115 Development Regulations

(1) All subdivisions shall comply with the City's General Plan. The following items, without limitation, shall be addressed on all developments to assure compliance with the city's General Plan and the purposes of this ordinance:

- (a) the effect of the proposed development on the lands on which the development is proposed to be located;
- (b) the relationship of the development to, and the effect of the development on:
  - (i) through (xiii) – no changes.*

Add: (xiv) Public trails corridors, planned and existing

Modify: (5) Trails. Layout of trails shall conform to United States Forest Service (USFS) or International Mountain Bike Association (IMBA) trails construction guidelines (natural surface trails) or NACTO/AASHTO standards (paved surface trails) ~~sound engineering practices.~~

Rights-of way and easements should be of sufficient width to allow for a path or tread at the location which most nearly provides a level or uniform slope, minimizes the cost of construction and maintenance, and protects adjacent natural features, including but not limited to vegetation, associated with the trail. Trail location sizes and standards shall be in accordance with the City's general plan for trails.

12D-202 Development Methods.

Modify: (3) Subdivision by Bonus Density (Ord. 06-20)

(a) Method. Subdivisions using this method shall allow a density of development greater than is normally allowed in this Zoning Ordinance in exchange for the provisions of satisfying certain bonus density criteria (park space **and/or trails**).

(b) Findings and Intent.

(i) The City of North Logan has experienced growth with respect to population, housing and general land development. The City has been and is developing and constructing public facilities and providing public services to meet the needs of the community's growing population, but these services and facilities have been hard pressed to keep pace with the ever-growing need. Faced with the problems caused by this growth in relation to park space **and trails** and its development within the community and being

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

concerned with existing, as well as future overall quality and character of land development within the City, the City has developed this bonus density option to help with encourage the development of park space throughout the City.

(ii) It is the intention of the City to help provide other means to get park space and trails. This bonus density option is considered a reasonable option to protect the public interest and welfare of the community, to secure a well-planned park recreational environment for all neighborhoods throughout the city, and to establish a viable neighborhood park and trail development program that is relevant and meaningful to the people who live within the City. This option intends to provide a publicly adopted strategy for the development of park space in subdivisions.

(iii) It is necessary and consistent with the overall community development plans of this City to provide neighborhood parks and trails. It is further in the interest of the health, welfare and safety of the people of the City that:

- The City promotes and establishes a park and trail development program.
- Such program is equitable and consistent with the benefits received.
- The owners of land, upon which residential dwellings exist or are to be constructed have the opportunity to provide for a portion of the development of the park lands within the City.

Modify: Method 3: Density-Bonus Subdivisions. Using method three, subdivisions may be divided such that the resulting density for the subdivision is increased if the developer;

- reserves a portion of the development site for public recreational use (park space and/or trails);
- dedicates the reserved land to the City in such a way that it must continue to be used for recreational purposes and cannot be developed as residences; and
- develops and equips the area for recreational/park use and/or trails.

The required level of development of the park space to make it useable as a park and/or trails will be established through a development agreement specific to each subdivision. Density-bonus subdivisions are designed to help the City acquire lands for recreational use as called for in the City's Parks and Recreation General Plan. Densities are allowed to be greater lot than those established by the base zone under subdivision methods one or two, in return for park space and/or trails. The residential density within a subdivision may be increased as per Table 3. The percent increase in density allowable within a subdivision (the increase above and beyond the ratio allowed under Subdivision Method Two), may be no more than the ratio of land dedicated to parks and/or trails for the subdivision, up to the maximum allowed for the particular zone in which the subdivision is located.

(1) Density Bonus. If this method of subdivision is used, the development provides a percentage of the land being developed for usable public park space and/or trails.

(a) A higher ratio of lots per acre will be permitted in exchange for land dedicated for park space and/or trails.

(b) Lands defined by this ordinance as Non-Buildable and Common Areas which are private to the development may not count towards the amount of park space required for the development.

(c) The total number of lots allowed within a development shall be based on the following table and the percentage of land dedicated to public parks and/or trails. These ratios are computed as

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

the maximum number of lots that can fit in a parcel of land at the minimum lot size after dedicating the maximum allowed land for parks **and/or trails** while still allowing space for roads and other improvements. The base allowed density for the density bonus method is the same ratio used in the method two subdivision option. "Number of lots" is synonymous with "number of dwelling units" in R-1- XX and RE-X zones.

Table 3

Zone	Based Allowed Density in Lots/Ac	Maximum Allowed Density in Lots/Ac.	Maximum Percent of Park Land <b>&amp;/or Trails</b>	Minimum Lot size (sq. ft.)
RE-1	.9	1.21	34%	20200
RE-2	.45	.60	34%	40400
RE-5	.18	.24	34%	101000
R-1-30	1.28	1.6	25%	17100
R-1-20	1.92	2.40	25%	11400
R-1-15	2.47	3.09	25%	8400
R-1-12	3.09	3.86	25%	6700
R-1-10	This option not available in this zone.			
RB	Density and lot size shall conform to adjacent zone			

Modify: 12D-205 Minor Residential Subdivision Requirements

(1) *No change*

(2) Minor Subdivision Requirements. To be considered for approval as a minor residential subdivision the subdivision must meet all the following requirements:

- (a) The subdivision contains less than ten (10) lots.
- (b) The subdivision is not traversed by the mapped lines of a proposed street as shown in the city’s general plan, **nor a trail in the city’s trails master plan**, and does not require the dedication of any land for street **or** other public purposes.
- (c) The subdivision is not part of an existing, previously platted subdivision. Generally changes to a platted subdivision are to be done by amending the previously approved plat.
- (d) Each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance. Access and frontage on public streets exist for all planned lots. If developing the subdivision requires the dedication of land for public rights-of way such as the widening of existing rights-of-way to meet city standards that dedication must be done by a plat or by some other means. If new streets **or trails** need to be built to provide frontage or access for any lots in the subdivision then a standard, platted subdivision must be done.
- (e) through (f) – *no changes*.

**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

ORDINANCE NO. 16-08

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

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 9<sup>th</sup> day of November, 2016.

NORTH LOGAN CITY

By: 

\_\_\_\_\_  
Lloyd Berentzen, Mayor

ATTEST:

  
\_\_\_\_\_  
Scott Bennett, City Recorder

ORDINANCE NO. 16-08

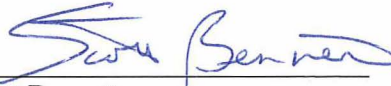
AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL MODIFYING VARIOUS  
REGULATIONS IN THE LAND-USE ORDINANCE

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. 16 - 08 on the 10th day of November, 2016, 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 10<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
Scott Bennett  
City Recorder