

ORDINANCE 10-04

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 as published and effective on March 20, 1989; and

WHEREAS, said Code included Title 8, Regulation of Business, which includes the City's On Premise Beer Retailer License Ordinance; and Title 12, Land Use, which includes the City's Zoning Ordinance; and

WHEREAS the City Council the City's Planning and Zoning Commission have determined there is need and good cause to amend the City's Land Use Ordinances to Title 12C, Section 1001 to allow Restaurants with a Beer License or a Liquor License in MX-G (Mixed Use General) and CG (Commercial General) Zones.

NOW, THEREFORE, pursuant to Section 10-9a-205, Utah Code Un-Annotated, 2009, 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 regarding Title 12C:

AN ORDINANCE AMENDING TITLE 12C – LAND USE, ZONING ORDINANCE
OF THE CITY'S CODE OF REVISED ORDINANCES
BY AMENDING PORTIONS OF CODE RELATING TO RESTAURANTS
WITH BEER OR LIQUOR LICENSES

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

SECTION I: TITLE 8. REGULATION OF BUSINESS:

The following paragraph in Title 8, Section 8-403 is hereby amended to read as follows:
(Items deleted are crossed through a new language is highlighted.)

8-403. Retail Licenses.

- (B) **On Premise Beer Retailer License** shall entitle the licensee to sell beer in the original containers or on draft on the licensed premises for consumption on the premises; or sell beer on the licensed premises in sealed containers for consumption off-premises in accordance with the Utah Alcoholic Beverage Control Act. Total sales from beer is not to exceed ~~thirty~~ **thirty** percent (~~50~~ **30**%) of the business's gross sales. Sale of beer to patrons is contingent upon ordering food with any beer purchased.

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SECTION II: TITLE 8. REGULATION OF BUSINESS:

The following matrix in Title 8, Section 8-414 is hereby amended to read as follows:
(Items deleted are crossed through a new language is highlighted.)

8-414. Other Restrictions.

(B) Quota on Number of Licenses/Granting of Local Consent. The total number of alcoholic beverage licenses, shall be controlled as follows. The municipality shall not grant local consent for, nor issue licenses in numbers more than as listed in table 8-1:

Type of License	Total Number of Licenses Allowed in the City
Consumption Off-Premises Beer License	Two (2)
On Premise Beer Retailer License	None No Limit
Limited Restaurant License	None No Limit
On Premise Banquet License	Two (2)
Tavern License	None
Restaurant with Liquor License	No Limit
Private Club With Liquor License	None
Temporary Beer License	N/A

Table 8-1 (Ord. 08-01)

SECTION III: TITLE 12.C. LAND USE - ZONING:

The following matrix in Title 12C, Section 1001 is hereby amended to read as follows:
(New language is highlighted.)

CHAPTER 12C-1001. Permitted and Conditional Uses in Zones.

Land Use Description - Zone	FR	A	RE	R1	R2	MX -G	MX -CC	RM	PR	CC	CG	MC	M2	RB	HOSP
Hotel or Motel						M	M				P	P	C		
Food Service						M	M				P	P	C		
Restaurant With Liquor License						M	M				P				
Restaurant With On-Premise Beer Retailer License						M	M				P				
Facility with On Premise Banquet License							M								
Restaurant with Limited Restaurant License for Alcoholic Beverages						M	M				P				

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SECTION IV: 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 V: 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.

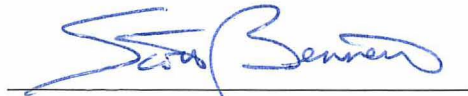
SECTION VI: EFFECTIVE DATE.

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 5th day of May, 2010.

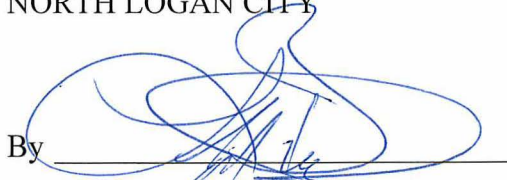
NORTH LOGAN CITY

ATTEST:



Scott Bennett, City Recorder

By



Lloyd Berentzen, Mayor

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 - 04 on the 6th day of May, 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 6th day of May, 2010.



Scott Bennett, City Recorder