

ORDINANCE 10-09

ORDINANCE MODIFYING THE REGULATIONS ON SINGLE FAMILY RESIDENCES

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, Land Use, which includes the City's Zoning Ordinance; and

WHEREAS, pursuant to Section 10-9a-505.5, Utah Code Unannotated, 2010, state law restricts how a municipality may limit the number of unrelated persons that can occupy a unit in a zone permitting occupancy by a single family; and

WHEREAS, the City's Planning Commission has determined there is need and good cause to correct the City's ordinances to amend sections of the City Code regulating single family dwellings.

NOW, THEREFORE, pursuant to Section 10-9a-205, Utah Code Unannotated, 2010, 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 MODIFYING THE REGULATIONS ON SINGLE FAMILY RESIDENCES WITHIN TITLE 12 - LAND USE, OF THE CITY'S CODE OF REVISED ORDINANCES

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

SECTION I – CHANGES: The following paragraphs in Title 12A and 12C are hereby changed and/or added to read as follows:

CHAPTER 12A-200. Definitions. (No change in introductory paragraph)

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 (or similar group of individuals as outlined in the definition of "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.~~

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".~~

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49. Family. A single person or a group of persons related by blood, marriage or adoption. (See associated definition herein of "Related".) The following groups of individuals are also designated as being permitted to occupy a single-family residence or each unit within a two-family or multiple-family dwelling unit as if it was a family:

- a. A family as defined above plus one (1) additional unrelated individual living with the family;
- b. A family as defined above plus up to four (4) children living with the family in a licensed foster care or host home;
- c. A family as defined above plus or one (1) additional child (three (3) if siblings) living in a proctor care home; or
- d. A group of no more than four persons regardless of their familial relationship.

12C 513. Special Provisions for Conditional Use Permits for an Apartment

(Establishing an Apartment versus a Family Residence):

- ~~(A) — Establishing a Conditional Use Permit for an apartment — The applicant will complete the conditional use form and pay the conditional use permit fee as per any other conditional use permit.~~
- ~~(B) — Special Considerations — In considering each application for a conditional use permit relating to an apartment, the Planning Commission shall consider, among other things; the zone in which the conditional use is proposed; the size of lot involved; the size of the individual apartments; and the availability of parking spaces. As part of the conditional use process the following provisions must be established:~~
- ~~(1) — Location for parking and number of parking stalls to be provided to serve all designated apartments and other family dwelling units on the property~~
 - ~~(2) — Number of occupants that will be allowed to live in each designated apartment. The guidelines provided in paragraph (e) below shall be used to aid the Planning Commission in determining the number of unrelated persons to be allowed to live in each apartment.~~
- ~~(C) — Revocation of a Conditional Use Permit for an apartment — A conditional use permit granted for the purpose of establishing an apartment may be revoked for any reason constituting "good cause." "Good cause" shall include but not be limited to the following within the discretion of the Planning and Zoning Commission: circumstances which are detrimental to or have a negative impact on the health, safety and welfare concerns of the citizens and residents of North Logan including the residents of the apartments; incompatible zoning or land use; continuing complaints of noise; failure to keep the apartments maintained in a healthy and safe condition as determined by the city's building inspectors and/or the Board of Health; failure to comply with the conditions imposed at the time the original approval~~

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~~of the permit was given; the creation and existence of a public or private nuisance; failure of the permit holder or his/her agent or employees to comply with the conditions and requirements of applicable local, county, state and/or federal laws, rules, and regulations; unlawful activities conducted or permitted on the premises for which the conditional use permit was issued; and/or other legitimate factors. Complaints received by the City Administrator, or law enforcement officers concerning an apartment or any other activity or business allowed on the property by a conditional use permit may be cause, as determined by the Planning and Zoning Commission, for denying, and/or revoking the conditional use permit. A new conditional use permit for an apartment must be obtained under this chapter for any revoked conditional use permit.~~

~~(D) — A conditional use permit for an apartment will be for a specific piece of property regardless of future ownership and shall therefore be transferable with the property.~~

~~(E) — The applicant shall, as part of the conditional use application, propose the number of unrelated persons to be permitted in each apartment or unit. If the property to be designated as apartments has more than one size or configuration of apartment, each size or type of apartment shall be distinguished separately. The number of unrelated persons allowed to occupy each apartment may be based on either the number of bedrooms in the apartment or the square footage of the apartment, or a combination of both using the following general guidelines:~~

~~(1) — Generally, one unrelated person will be allowed per each bedroom. That which shall constitute a bedroom for these purposes shall be determined by the Planning and Zoning Commission with advice from the Building Official or his staff.~~

~~(2) — Generally, one unrelated person will be allowed per each 300 square feet in an apartment. Area that is used in common among different apartments, such as laundry rooms or recreation rooms, etc., shall not be counted in the square footage of each individual apartment.~~

SECTION II: 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.

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SECTION III: 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 IV: 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 8th day of December, 2010.

North Logan City Corp.

By:


Lloyd Berentzen, Mayor

ATTEST:


Scott Bennett, City Recorder

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CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 9th day of December, 2010, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 10-09 in a likely manner, 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 9th day of December, 2010.



Scott Bennett, City Recorder