

NORTH LOGAN ORDINANCE NO. 13-05

**AN AMENDMENT TO THE NORTH LOGAN MUNICIPAL ZONING CODE,
CHANGES TO THE ACCESSORY DWELLING ORDINANCE
TITLE 12C. LAND USE – ZONING, 12C-515**

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 12C, Land Use - Zoning, which is the City's zoning ordinance; and

WHEREAS the City Council and the City's Planning and Zoning Commission have determined there is need and good cause to amend the city's zoning ordinance 12C-515.

NOW, THEREFORE, pursuant to Title 12, Section 12A-504 of the North Logan City code and Section 10-9a-205 of Utah Code, and after ten (10) days' notice and a public hearing as required therein, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

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

SECTION I: First, add the word 'units' to accessory dwelling so it states 'accessory dwelling units' throughout the ordinance; Second, in 12C-515.2 (3) change the word 'within' to 'as' and add sentence stating the accessory dwellings shall be 'subordinate' to single-family unit; Third, in 12C-515.3 (A) (2) change from a required site plan of 'one fourth inch scale' to 'to scale' drawing; Fourth, in 12C-515.3 (B) change the PUBLIC HEARING noticing requirements as highlighted and Fifth, in 12C-515.4 change 'permittee' to 'owner':

TITLE 12C. LAND USE - ZONING

12C-515 - Requirements for Accessory Dwelling Units in Single Family Residences.

Accessory dwelling units are allowed as a conditional use in residential zones according to the matrix found in 12C-1001. All accessory dwelling units shall conform to the regulations specified herein and are only allowed when in total compliance with these regulations. Additionally, all dwellings with accessory dwelling units shall also conform to other development regulations for residences in accordance with this ordinance.

12C-515.1 – Purpose of this Chapter. The purpose of permitting an accessory dwelling unit is to:

- (A) Provide homeowners with a means of obtaining, through tenants in an accessory dwelling unit, rental income, companionship, security and/or services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (B) Add inexpensive rental units to the housing stock to meet the needs of smaller households, both old and/or young;

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- (C) Make housing units available to moderate and/or lower income households who might otherwise have difficulty finding housing within the city;
- (D) Develop housing units in single-family neighborhoods that serve the needs of the residents through a variety of stages in the life cycle, thereby lessening fluctuations in neighborhood demand for services.

12C-515.2 – Conditions for Accessory Dwelling Units

(A) Accessory dwelling units are only allowed by conditional use permit. The Planning Commission shall ensure the following conditions are met before granting a conditional use permit for an accessory dwelling unit:

- (1) There shall be provided at least two off street parking spaces for the accessory dwelling unit in addition to two spaces required for the home owners (four in all). Parking needed to meet this requirement shall not exceed twenty-five percent (25%) of the area between the front of the residence and the front property line.
- (2) Because building codes generally do not require modifications to a structure to make it conform to current building codes unless the structure is being remodeled or the classification of the occupancy of the structure is changing and since establishing an accessory dwelling unit is not being considered by North Logan City to be a change in occupancy classification (i.e. the house is still a single family dwelling unit), the requirements for establishing an accessory dwelling unit, with regard to current building codes are clarified in this paragraph.

Any new construction, remodeling or renovation done to accommodate the accessory dwelling unit shall conform to the building code requirements current at the time of application. In addition, the following shall also conform to the building code requirements current at the time of application and shall apply to all the area within the single family dwelling and approved detached accessory dwelling unit and may affect portions of, or systems within the existing family dwellings.

- a. Emergency rescue and escape openings from all bedrooms and basement areas shall be as required by the building code for new construction;
- b. Smoke and carbon monoxide detectors as required by the building code for new construction;
- c. Arc-fault circuit interrupters as required by the National Electric Code for new construction;
- d. Ground-fault circuit interrupter protection for personnel as required by the National Electric Code for new construction;
- e. The only exit from the accessory dwelling unit may not pass through a garage;
- f. Combustion air for fuel burning appliances as required by the mechanical and/or fuel gas codes for new construction; and

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- g. Equipment grounding for both permanently wired and cord and plug connected equipment shall be as required by the National Electric Code for new construction. As an alternative for receptacle outlets, GFCI protection of receptacle outlets without equipment grounding conductors may be provided in accordance with the National Electric Code.

The residence (single-family dwelling), including the accessory dwelling unit or detached accessory dwelling unit shall be considered a single-family residence rather than a "duplex" as defined by the applicable building codes. These requirements are added in order to establish minimal life safety requirements that are appropriate for adding an accessory dwelling unit. The applicant shall have the premises inspected by the North Logan City Building Department and include a copy of the results of that inspection with the application for a conditional use permit. If deficiencies are noted by the Building Department's inspector, a conditional use permit may be approved by the Planning Commission prior to the work being done to correct the deficiencies, but occupancy of the accessory dwelling unit shall not take place until all deficiencies are corrected and re-inspected by a North Logan City building inspector.

(Ord 04-09)

- (3) The accessory dwelling unit may be within and a part of the main single-family dwelling or as a detached accessory dwelling unit, but shall only be allowed in a detached dwelling located on the same owner-occupied lot as the single-family dwelling. Only one accessory dwelling unit shall be allowed per single-family, owner-occupied lot, whether as an accessory dwelling unit within the main single-family or as a detached accessory dwelling unit. Both the single-family dwelling and any detached accessory dwelling unit shall be owned by the same person(s) or entity. The proposed detached accessory dwelling unit shall clearly be subordinate in size to the existing single-family dwelling unit.
- (4) Other appropriate conditions peculiar to the dwelling may be required by the Planning Commission if appropriate to guard the health and welfare of the occupants or the residents in the neighborhood.
- (B) Accessory dwelling units shall be approved as such by the North Logan City Planning Commission.
- (C) An accessory dwelling unit conditional use permit shall not run with the land but shall be valid only for the home owners to whom it was originally granted. Subsequent owners must reapply for a conditional use permit to be allowed an accessory dwelling unit on the premises. The conditional use permit and the accessory dwelling unit license shall terminate and shall be void on the sale of the residence.
- (D) Any new entrances or other improvements to the main residence added for the purpose of developing an accessory dwelling unit shall be located on either the side or back of the residence. The accessory dwelling unit shall be designed so that the appearance of the buildings remains that of a single-family residence.

(Ord. 10-01)

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12C- 515.3– Procedures for establishing an Accessory dwelling unit

- (A) Application for a conditional use permit for an accessory dwelling unit shall be made to the Planning Commission in accordance with the conditional use permit procedures given in this title. The application shall include the following:
- (1) A notarized letter accompanying the application from the owner(s) stating that the owner will occupy the residence on the premises except for bona fide absences;
 - (2) A floor plan and site plan (to scale) showing any proposed changes to the buildings and/or how the accessory dwelling unit is to be established;
 - (3) A fee as set forth by the then prevailing fee schedule for a conditional use permit application.
- (B) Within thirty (30) days of the receipt of an application, the Planning Commission shall hold a public hearing to receive public input regarding the application. The legal notice of such public hearing shall be published at least ten days before the public hearing in a newspaper of general circulation in the area and shall be posted on the City's official website. The applicant is also required to provide a list of property owners within a 300-foot radius of the exterior boundary of the proposed accessory dwelling property and a 600-foot distance on both sides of the street on which the residence is located. The City will use this list to send out a copy of the public notice for the accessory dwelling hearing to all property owners within ten (10) days of the public hearing.
- (C) After a conditional use permit has been granted to the owners of the residence for an accessory dwelling unit the applicant shall pay any fees established for the accessory dwelling unit and any extraordinary costs to the city not otherwise intended to be covered by the fee for the conditional use permit or the inspection fee. Once the fees have been paid the city shall issue an appropriate accessory dwelling unit written approval letter to the owners/applicants.

(Ord. 10-01)

12C- 515.4 – Procedures for Revoking an Accessory Dwelling Unit License or Conditional Use Permit.

An accessory dwelling unit approval and the associated conditional use permit shall be revocable for the non-compliance with any of the provisions of this ordinance or any other ordinance of the city. The city shall notify the owner in writing of its intent to revoke the conditional use permit, and the reasons therefore, at least fourteen (14) days prior to the action being taken. The owner shall have the opportunity to correct any problems that caused the notice of intent to revoke to be issued during said fourteen-day period and show proof of such correction to have the license remain in force. The owner shall have the right to appeal, in writing, any decision regarding the permit to the City Council. The City Council shall consider any appeal on a permit revocation within thirty (30) days of receipt of the appeal. In the event of an appeal the permit shall remain in effect until after the appeal is considered by the City Council. (Ord. 10-01)

12C- 515.5 – Owners Not Occupying Residence for Prolonged Periods.

- (A) The city recognizes that people in the community often vacate their residences for longer periods of time than merely vacations. For examples, university professors take

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sabbatical leaves of absence and/or are gone for extended periods of time; or people serve church missions and/or are gone from their residences for twelve to twenty-four months at a time. In these cases, the homeowners normally return to their homes. It is important that there be some means for properly authorizing the continuance of an Accessory dwelling unit Conditional Use Permit for extended periods of time when the owners are not occupying the residence, for the above stated or similar reasons. An accessory dwelling unit may be continued through the time that the owner is temporarily not living in the residence if the following conditions are met:

- (1) The owner(s) shall apply for a continuance of their accessory dwelling unit permit during their absence by notifying the City Recorder of their intent in writing. They shall include in that request their anticipated length of absence and estimated return date, a forwarding address where they may be contacted by the city if there are any problems (that address shall be updated as needed through the duration of the absence), and the names of those who will act in their stead as the "surrogate" owners of the property in their absence.
 - (2) The owners shall provide any information relative to any changes in the use of the residence, i.e. any changes that are different from the conditional use permit that established the accessory dwelling unit.
- (B) If the owners of the residence elect to leave their home in the care of the residents that occupy the home as the second family living in the accessory dwelling unit; and if they choose not to lease the main part of the residence that the owners are temporarily vacating; then just one family will be living in the residence and there is no longer any need to have the residence licensed as an accessory dwelling unit. The license can then lapse while the owners are not living in the residence and the license may be re-established upon their return using the existing conditional use permit and by renewing the accessory dwelling unit license.
- (C) If the owners of the residence sell the residence, return from the location that caused their temporary absence and do not occupy the residence upon their return, or otherwise show an intent to not return to the residence in a reasonable amount of time (as determined by the Planning Commission), the status of the residence with an accessory dwelling unit and the related permit may be terminated by the Planning Commission.

(Ord. 01-07, 10-01)

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.

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.

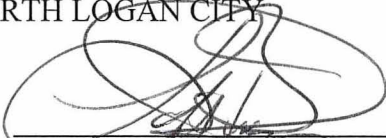
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SECTION IV: EFFECTIVE DATE. In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 21st day of August, 2013.


NORTH LOGAN CITY

By:



Lloyd Berentzen, Mayor

ATTEST:



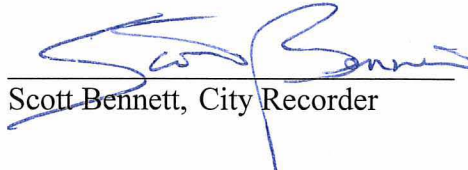
Scott Bennett, City Recorder

CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 13-04 on the 22nd day of August, 2013, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 42 East 2200 North, Suite C

WITNESS my hand this 22nd day of August, 2013.



Scott Bennett, City Recorder