



LOGAN LAND DEVELOPMENT CODE

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PREFACE

The original adoption date of the Land Development Code was February 13, 2011. This version of the Land Development Code reflects changes directed by the Planning Commission and adopted by the Municipal Council through October 21, 2025.

About the Land Development Code

The Land Development Code is the most important development tool to forward the goals and purposes of the City as enumerated in the General Plan of the City of Logan.

Development Code Organization

The Code is organized in the following manner:

Article I, General Provisions, incorporates introductory provisions to the Land Development Code related to the citation, content, and transitional use of the provisions in the ordinance, as well as how to address regulatory conflicts.

Article II, Zoning Districts in General, establishes the organization and variety of zoning districts to be used in the City. It also spells out the relationship between the Zoning Map and the text.

Article III, Development Standards and Base Zoning Districts, is the regulations for all base zoning districts. Each zone has a purpose, a range of uses, and site development standards.

Article IV, Overlay Zoning Districts, contains the regulations that apply to zones that are combined with base zones.

Article V, Supplemental Regulations, address generalized site development standards such as signs, parking, and landscaping, but also establish regulations for unique situations such as home businesses and accessory dwellings.

Article VI, Administration, spells out all procedures, definitions, appeals, and enforcement provisions.

LAND DEVELOPMENT CODE AMENDMENT SCHEDULE

This version of the Land Development Code was adopted August 7, 2018. Generally, sections of the Code that have been amended by actions subsequent to June 4, 2019 will carry the new effective date at the top of the page specific to the amendment. Updated zoning maps will be made available online at the Logan City website www.loganutah.org and are kept on record within the Department of Community Development.

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Title 17: Land Development Code

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Article I: General Provisions

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Chapter 17.01: General

§17.01.010. Official Name

The official name of this Title of the Logan Municipal Code is the “Land Development Code of the City of Logan, Utah,” which may be cited as the “Land Development Code.” When references are made to a “zoning ordinance,” “zoning code,” “subdivision ordinance,” “subdivision code,” “subdivision regulations,” or “zoning regulations,” it shall be presumed that the reference is the Land Development Code and all its components, as amended from time to time.

§17.01.020. Purpose

The Land Development Code is the City’s regulatory tool which implements the goals and policies of the General Plan. The Land Development Code is enacted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of the City of Logan. The Municipal Council finds and declares the following purposes for this Title:

- A. The provisions of this Title manage growth and development in a way that contributes positively to the quality of the community called for in the General Plan.
- B. This Title incorporates policies and programs to maintain and promote stability within the City’s neighborhoods.
- C. The provisions of this Title contribute to the protection and enhancement of the community’s appearance.
- D. This Title encourages quality development of business, commerce and economic expansion.
- E. The Land Development Code incorporates the principle that development of interconnecting road networks, walkability, architecture, and site design each contribute to a quality community.
- F. This Title incorporates development and performance standards to reduce adverse land use impacts.
- G. The Land Development Code promotes predictability and consistency in the land development process – for neighborhood, business and development interests.
- H. This title ensures appropriate opportunities for participation and involvement by all affected parties.
- I. The Land Development Code ensures that the public recognizes that the privilege and right of subdividing and development of land within the City of Logan is a discretionary action that requires appropriate levels of review.
- J. This Title ensures that all subdivision, construction, and other development activities conform to the goals, policies, and actions of the Logan General Plan.

§17.01.030. Prohibitions

- A. No lot may be sold, transferred, financed, or otherwise exchanged unless and until it has been created in conformance with the provisions of this title and stated law.
- B. No land, building, or structure may be developed, used, occupied, erected, moved or altered without conformance with the provisions of this title and state law.

§17.01.040 Relationship of the General Plan to the Land Development Code

The General Plan has been adopted by the Municipal Council to manage development and resources of the community. The General Plan represents a lengthy public participation process and incorporates long range goals, identified policies, and actions to be taken. The content of the General Plan may be cited as a basis for making decisions or as a part of the

findings supporting actions initiated by this Land Development Code. The General Plan provides the policies that enable the specific regulations of the Land Development Code to be accomplished. When there is a conflict between the General Plan and the Land Development Code, the Land Development Code's specific measures are to prevail.

§17.01.050. Applicability

The provisions of the Land Development Code apply to all private and public development within the corporate limits of the City as prescribed in the Utah Code Annotated.

§17.01.060. Minimum Requirements

The provisions of the Land Development Code represent the minimum requirements necessary to advance its stated purposes.

§17.01.070 Zoning Map

- A. Land Development Code and Zoning Map. The Land Development Code refers to the City of Logan Zoning Map (Zoning Map). Land and structures may be used or developed only as provided by the applicable land use (zoning) district, as designated on the Zoning Map, including all amendments thereto. Uses and structures shall comply with the provisions of this Code and the Zoning Map.
- B. Content of Official Zoning Map. The boundaries of the base zones, overlay zones, and other map designations are shown on the Official Zoning Map of the City of Logan. The Official Zoning Map is published separately, but is a part of the Land Development Code. Maps that delineate areas subject to additional zoning regulations may be included in the Zoning Map and Code, adopted by separate ordinance, and/or adopted by reference. Examples include the location of historical landmarks, special street setbacks, and environmental resources. The City of Logan maintains the Official Zoning Map.
- C. Changes to Official Zoning Map. A proposed change to the Official Zoning Map is subject to the amendment process described in Chapter 17.44.
- D. Boundary Lines.
 1. Where a zoning line is shown on the Official Zoning Map as being within an existing or vacated right-of-way, utility corridor, trail corridor, watercourse, or similar feature, the line is in the center unless specifically indicated otherwise.
 2. The location of a zoning line is determined with a scaled dimension and/or cartographic overlay with another map acceptable to the City when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.
 3. Boundary line determinations and interpretations shall be made by the Community Development Director.

Chapter 17.02: Transitional Provisions

§17.02.010. Violations Continue

Any violation of the Land Development Code, other zoning, subdivision, or sign regulations of the City shall continue to be a violation. Resolving the violation shall require conformance to the regulations in effect at the time the violation is terminated, not regulations that may have been in effect at the time the violation was initiated. Any violation that was not discovered by the City under prior land development code, zoning or subdivision codes shall be resolved under the provisions of this Title. The lack of prior enforcement or enforcement action shall not constitute any degree of recognition, approval, or entitlement.

§17.02.020. Nonconformities Under Prior Code

Any legally existing land use, structure, or sign shall be allowed to continue as a legally existing land use, structure, or sign in conformance with the provisions of Chapter 17.52.

§17.02.030. Permit Issued Before Effective Date of Ordinance Amendments

Any building or development for which a permit was issued before an amendment to this title that affects the regulatory conformance of the permit may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building or development does not fully comply with provisions of the Land Development Code.

§17.02.040. Applications Received and Accepted as Complete and Approvals Issued Prior to Amendments to this Title

A. Applications Accepted as Complete

Any application accepted by the Department of Community Development as “complete” prior to an amendment to this Title that affects the regulatory conformance of the application shall be processed under the regulations in effect at the time of the application submittal, unless an amendment was pending at the time a complete application is submitted or the City can show a compelling reason for exercising its police power retroactively to the date of the complete application.

B. Permits Approved

Any project which has been approved or for which a permit has been issued prior to an amendment to this Title that affects the regulatory conformance of the project shall be allowed to proceed under the terms of the permit as issued by the City.

Chapter 17.03: Conflicting Provisions

§17.03.010. Conflict with Other Local Regulations

If the provisions of the Land Development Code are inconsistent with one another or with other regulations or laws of the City of Logan, the more restrictive provision shall control, unless otherwise stated.

§17.03.020. Conflict with State or Federal Regulations

If the provisions of the Land Development Code are inconsistent with those of the State or Federal Government, the more restrictive provision shall control, to the extent permitted by law.

§17.03.030. Conflict with Private Restrictions

It is not the intent of the Land Development Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of the Land Development Code impose a greater restriction than imposed by a private agreement, the provisions of the Land Development Code shall control. If the provisions of a private agreement impose a greater restriction than the Land Development Code, the provisions of the private agreement shall control. The City of Logan does not enforce private covenants.

§17.03.040. Severability

If a court of competent jurisdiction declares any part of the Land Development Code to be invalid, that ruling shall not affect any other provisions of the Land Development Code not specifically included in the ruling.

Article II: Zoning Districts and Land Uses Established

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Chapter 17.04: Establishment of Zoning

§17.04.010 Purpose

All areas within the City of Logan are divided into land use districts or zones. The use of each lot, parcel or tract of land is limited to the range of uses permitted by the applicable or zoning district. The applicable zoning district shall be based on the Official Zoning Map and the provisions of this Chapter.

§17.04.020. Base Zones Established

The following base zones are established:

A. Neighborhood Zones

NR - 2	Low Density Neighborhood Residential
NR - 4	Suburban Neighborhood Residential
NR - 6	Traditional Neighborhood Residential
MH	Mobile Home
MR - 9	Mixed Residential Transitional
MR - 12	Mixed Residential Low
MR - 20	Mixed Residential Medium
MR - 30	Mixed Residential High
NC	Neighborhood Center
CR	Campus Residential
RC	Resource Conservation

B. District and Corridor Zones

TC	Town Center I
TC	Town Center II
COM	Commercial
CC	Community Commercial
MU	Mixed Use
GW	Gateway
CS	Commercial Service
IP	Industrial Park
AP	Airport

C. Public and Recreation Zones

PUB	Public
REC	Recreation

§17.04.020. Overlay Zones Established

The following overlay zones are established:

AL	Airport Limitation Overlay Zone
AP	Aquifer Protection Overlay Zone
CL	Critical Lands Overlay Zone
GF	Greenfield Overlay Zone
GW	Gateway District Overlay Zone
HD	Historic District Overlay Zone
HL	Historic Landmark Overlay Zone
H	Hospital Overlay Zone
LF	Landfill Overlay Zone
X	Existing lot size Overlay Zone

§17.04.030. Maps

Official maps of the City of Logan are available at Logan City Hall.

Chapter 17.05: Use Categories

§17.05.010. Purpose

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

§17.05.020. Primary Use Characteristics

Primary uses are assigned to the category that most closely describes the nature of the primary use.

A. The following considerations are used to determine what category a use is in and whether the activities are to be considered primary or accessory uses:

1. The characteristics of the activity;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. The relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. The typical or normal hours of operation;
7. The building and site arrangement;
8. The relative number of vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

B. Developments with Multiple Primary Uses.

When all primary uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, shall be classified in the Sales and Service category because all of the development's primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and each use is subject to all applicable regulations for that category.

§17.05.030. Accessory Uses

Accessory uses are permitted uses in conjunction with a primary use unless otherwise stated in the regulations and unless stated otherwise, accessory uses are subject to the same regulations as the primary use.

§17.05.040. Identified Uses

The base zoning districts have use tables that identify whether a use is permitted, conditional, or not permitted. Within each zoning district use table, there are listings of both the use categories and specific identified uses. If a desired primary use is not listed as a specific use on the use chart, the system established in this chapter shall be used to determine whether the use is permitted as being consistent with a use category.

Chapter 17.06: Reserved

Chapter 17.07: Specific Development Standards: Residential Zones

§17.07.010 Purpose

The Neighborhood Residential Zone regulations are intended to implement the applicable goals, policies, directives, and actions of the General Plan. More specifically, this Chapter seeks to implement the following neighborhood policies:

- Maintain, preserve or enhance neighborhood integrity, identity, and architectural character to make neighborhoods more desirable and help stabilize and improve property values.
- Encourage new neighborhoods which mimic the positive visual qualities of the city's traditional neighborhoods.
- Support preserving and restoring the character and architecture of Logan's neighborhoods, particularly older neighborhoods.
- Foster traditional community building principles of interconnected roads, pedestrian sidewalks, parkstrips with street trees, and square or rectilinear blocks surrounded by public streets in new growth and development.
- Allow for neighborhood-oriented institutional uses, such as schools, parks, religious institutions and similar uses.
- Promote transportation efficiency by encouraging small-scale, neighborhood-serving commercial services in designated areas and where appropriate.



§17.07.020 Neighborhood Residential Zones Established

Neighborhood Residential zones are established to implement the land use categories of the General Plan's Future Land Use Plan. Table 17.07.020 lists the Future Land Use Plan categories and corresponding Neighborhood Residential zones.

Table 17.07.020: Future Land Use Plan Categories and Corresponding Neighborhood Residential Zones

General Plan Land Use Categories	Neighborhood Zone
Detached Residential (DR)	Low Density Neighborhood Residential (NR-2) Suburban Neighborhood Residential (NR-4) Traditional Neighborhood Residential (NR-6) Mobile Home (MH)
Mixed Residential (MR)	Mixed Residential Transitional (MR-9) Mixed Residential Low (MR-12) Mixed Residential Medium (MR-20) Mixed Residential High (MR-30)
Neighborhood Center (NC)	Neighborhood Center (NC)
Campus Residential (CR)	Campus Residential (CR)
Rural Reserve Area (RRA)	
Resource Conservation Area (RCA)	Resource Conservation (RC)

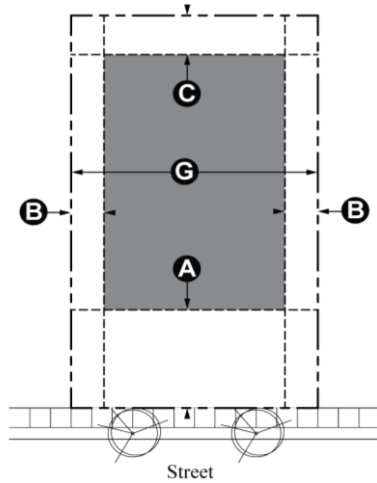
§17.07.030 Neighborhood Zone Specific Development Standards

The development standards contained in this Chapter are intended to ensure that development is consistent with a neighborhood's building placement patterns.

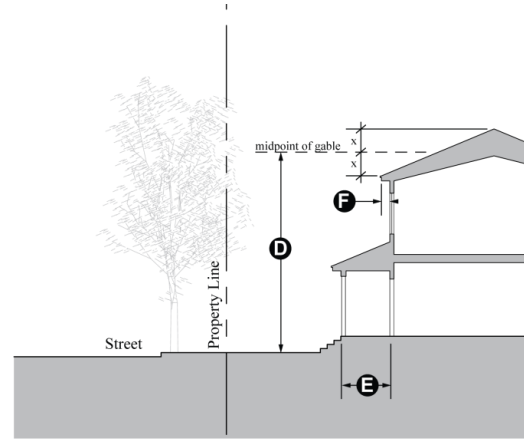
§17.07.040 Low Density Neighborhood Residential (NR-2) Development Standards

The purpose of this zone is to provide for single-family residential uses consistent with the form and character of Logan's neighborhoods typically located on the eastern bench areas.

The predominant development pattern is one- to two-story single-family homes on larger lots, typically one or two units per acre.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max) 2

Lot Size

Min. Lot Size 15,000 sq ft²

Lot Width

Ⓒ Minimum Lot Width 120'

(Lot width average does not apply to flag lots and courtyard homes).

Lot Coverage

Max. Lot Coverage 50%

Building Setbacks

Ⓐ Front 25'

Corner 20'

Ⓑ Side 8'

Ⓒ Rear 10'

Canal (recognized top bank) 15'

(Canal setback may be waived with written permission from appropriate canal company).

Building Height (Maximum)

Ⓓ Primary Building 35'

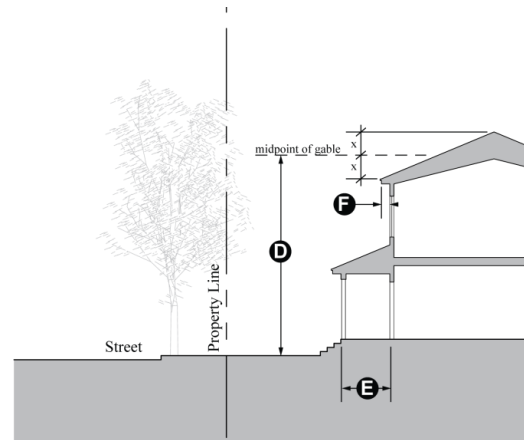
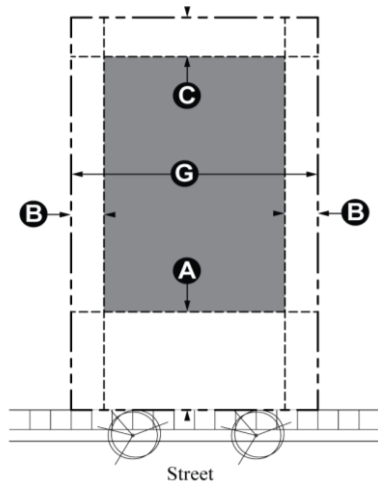
Accessory Building 20'

Building Form

Ⓔ Covered Front Stoop/Porch

§17.07.050 Suburban Neighborhood Residential (NR-4) Development Standards

The purpose of this zone is to provide for single-family residential uses consistent with the form and character of Logan's suburban type of neighborhoods on the both the eastside and westside areas of Logan. The predominant development pattern is one- to two-story single-family homes on larger lots, typically three to four units per acre.

**Residential Density**

Units/Acre (max) 4

Lot Size

Min. Lot Size 10,000 sq ft²

Lot Width

G Minimum Lot Width 90'
(Lot width average does not apply to flag lots and courtyard homes).

Lot Coverage

Max. Lot Coverage 50%

Building Setbacks

A Front 25'
Corner 20'
B Side 8'
C Rear 10'
Canal (recognized top bank) 15'
(Canal setback may be waived with written permission from appropriate canal company).

Building Height (Maximum)

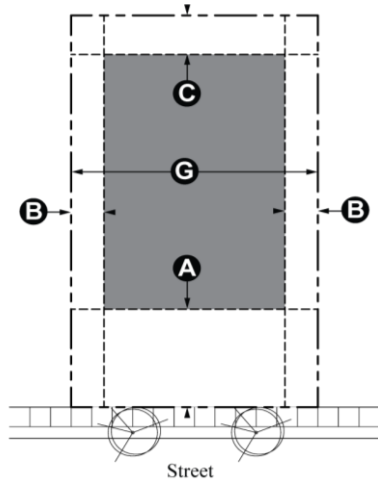
D Primary Building 35'
Accessory Building 20'

Building Form

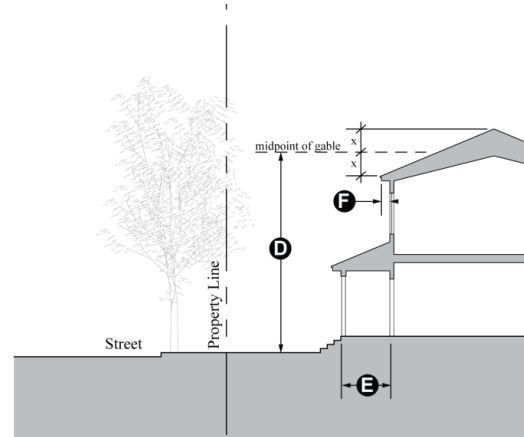
E Covered Front Stoop/Porch

§17.07.060 Traditional Neighborhood Residential (NR-6) Development Standards

This zone includes Logan's most established historic residential areas and their surrounding neighborhoods. The area is primarily comprised of small, single-family brick homes built between 1940 and 1980 with front stoops, exposed basements, single-car driveways and detached garages. The older neighborhoods largely reflect Logan's historic Plat of Zion. The square blocks, wide park strips and mature street trees are signature elements of this zone.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max) 6

Lot Size

Min. Lot Size 6,000 sq ft²

Lot Width

Ⓒ Minimum Lot Width 50'
(Lot width average does not apply to flag lots and courtyard homes).

Lot Coverage

Max. Lot Coverage 60%

Building Setbacks

Ⓐ Front 25'
Corner 20'
Ⓑ Side 8'
Ⓒ Rear 10'
Canal (recognized top bank) 15'
(Canal setback may be waived with written permission from appropriate canal company).

Building Height (Maximum)

Ⓓ Primary Building 35'
Accessory Building 20'

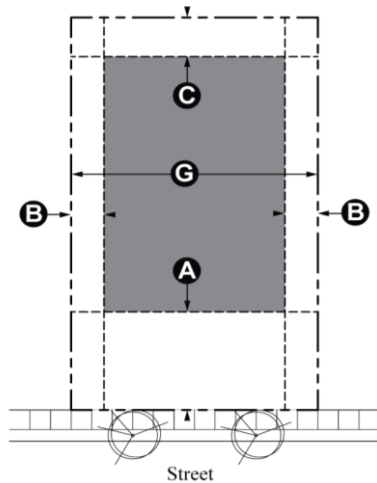
Building Form

Ⓔ Covered Front Stoop/Porch

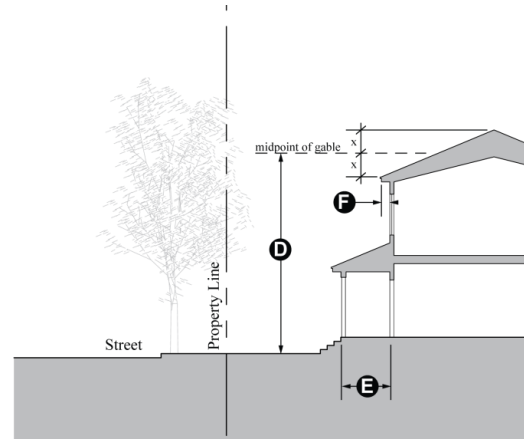
17.07: Specific Development Standards: Residential Zones

§17.07.070 Mixed Residential Transitional (MR-9) Development Standards

The purpose of this zone is to promote a dense pattern of both detached and certain styles of attached housing on smaller lots suitable for all stages of life and levels of income. The goal is to encourage stable neighborhoods at a level of density and design that promotes a sense of community, accessibility to various services, and walkability. This zone will provide a transition between denser multi-family residential or commercial areas and established single family residential neighborhoods.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max)	9
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MIH/Affordable Housing Density Bonus

MIH/Affordable Housing Density Bonus as per Chapter 17.34

Lot Size

Min. Lot Size for Single Family Detached House	4,000 sq ft ²
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Lot Coverage

Max. Lot Coverage	70%
% of Building Width at Front Setback	(min) 50%

Lot Width

Ⓒ Minimum Lot Width for Single Family Detached House	40'
--	-----

(Lot width average does not apply to flag lots and courtyard homes).

Building Setbacks

Ⓐ Front	15'
Corner	15'
Ⓑ Side	8'
Side – Common Wall	0'
Ⓒ Rear	10'
Canal (recognized top bank)	15'

(Canal setback may be waived with written permission from appropriate canal company).

Building Height (Maximum)

Ⓓ Primary Building	35'
Accessory Building	20'

Building Form

Ⓔ Covered Front Stoop/Porch (min. depth)	4'
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Transparency (Fenestration)

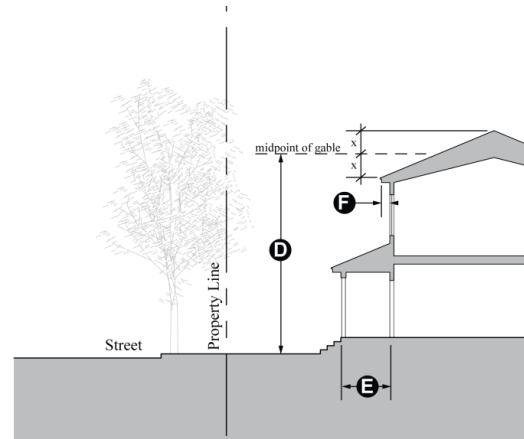
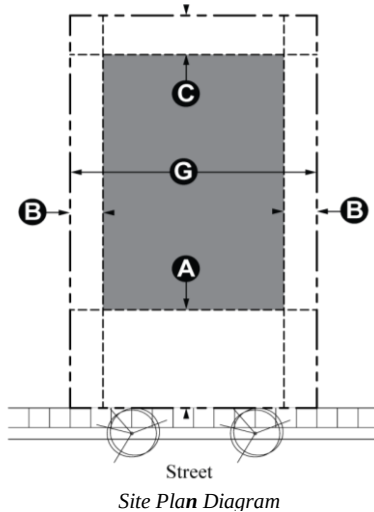
Multi-Family Front Façade Coverage	25%
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Landscaping & Outdoor Space

Landscaping	20%
Useable Outdoor Space	10%

§17.07.080 Mixed Residential Low (MR-12) Development Standards

The purpose of the Mixed Residential Low Zone is to provide a range of housing options for all stages of life and levels of income—including students, single adults, both young and mature families, and senior citizens. New developments will include a diversity of housing types to meet these needs. MR-12 areas are located near employment centers and service areas allowing residents to be within walking distance of many services and/or jobs, and where transportation choices are (or will be) available. This density functions as an appropriate transition between established residential areas and commercial centers or higher density complexes.

**Residential Density**

Units/Acre (max) 12

MIH/Affordable Housing Density Bonus

MIH/Affordable Housing Density Bonus as per Chapter 17.34

Lot Size

Min. Lot Size for Single Family Detached House 4,000 sq ft²

Lot Coverage

Max. Lot Coverage 60%

% of Building Width at Front Setback (min) 50%

Lot Width

Ⓒ Minimum Lot Width for Single Family Detached House 40'

(Lot width average does not apply to flag lots and courtyard homes).

Building Setbacks (Minimum)

Ⓐ Front 10'
 Corner 10'
 Front Opposite SFR 25'
 Ⓑ Side – Non-common Wall 8'
 Side – Common Wall 0'

Side – Adjacent to NR Zone 25'

Ⓒ Rear 10'

Rear – Adjacent to NR Zone 25'

Parking Setbacks (Minimum)

Parking – Front 10'

(setback measured from the longest portion of front wall plane of the primary structure)

Parking – Side/Rear 5'

Landscaping and Outdoor Space

Landscaping 20%

Useable Outdoor Space 10%

Building Form**Building Height Maximum**

Ⓓ Building 35'

Accessory Building 20'

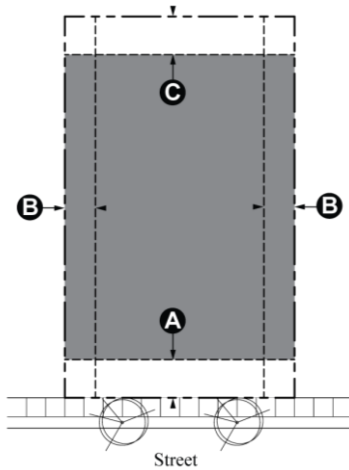
Ⓔ Front Stoop/Porch (min. depth) 4'-10'

Transparency (Fenestration)

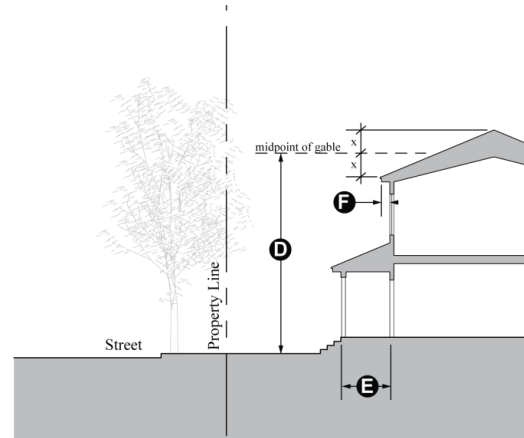
Multi-Family Front Façade Coverage 25%

§17.07.090 Mixed Residential Medium (MR-20) Development Standards

The Mixed Residential Medium Zone provides a diversity and range of housing options for all stages of life and levels of income—including students, single adults, both young and mature families, and senior citizens. MR-20 areas are located near employment centers and service areas allowing residents to be within walking distance of many services and/or jobs, and where transportation choices are (or will be) available. Structures in this zone will include a mixture of housing types including a variety of townhouses, apartments and stacked housing developed at 20 dwelling units per acre



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max) 20

MIH/Affordable Housing Density Bonus

MIH/Affordable Housing Density Bonus as per Chapter 17.34

Lot Coverage

Max. Lot Coverage 60%

% of Building Width at Front Setback (min) 60%

Building Setbacks (Minimum)

A Front	10'
Corner	10'
Front Opposite SFR	25'
B Side – Non-common Wall	8'
Side – Common Wall	0'
Side – Adjacent to NR Zone	25'
C Rear	10'
Rear – Adjacent to NR Zone	25'

Parking Setbacks (Minimum)

Parking - Front 10'
(setback measured from the longest portion of front wall plane of the primary structure)

Parking – Side/Rear 5'

Landscaping and Outdoor Space

Landscaping 20%
Useable Outdoor Space 10%

Building Form**Building Height Maximum**

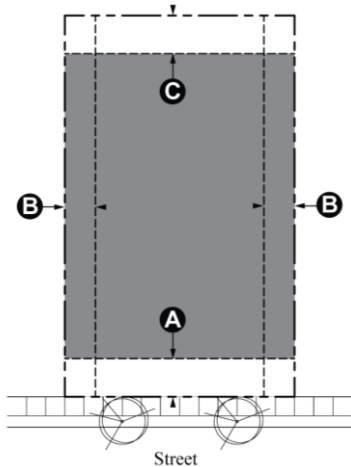
D Primary Building	45'
E Front Stoop/Porch (min. depth)	4'-10'

Transparency (Fenestration)

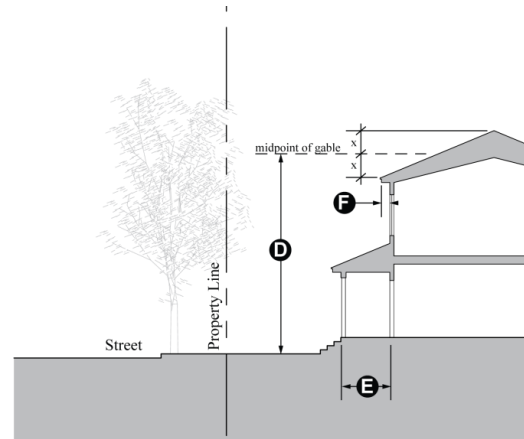
Multi-Family Front Façade Coverage 25%

§17.07.100 Mixed Residential High (MR-30) Development Standards

The Mixed Residential High Zone provides a diversity and range of housing options for all stages of life and levels of income including students, single adults, young and mature families, and senior citizens. Traditional design features such as building entrances that face the street, screened parking, street trees, usable open space, site amenities and parking terraces will be emphasized to ensure neighborhood compatibility and guarantee lasting community value. Structures in this zone should include a mixture of housing types including a variety of townhouses, apartments and stacked housing developed at 30 dwelling units per acre.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max) 30

MIH/Affordable Housing Density Bonus

MIH/Affordable Housing Density Bonus as per Chapter 17.34

Lot Coverage

Max. Lot Coverage 60%

% of Building Width at Front Setback (min) 60%

Building Setbacks (Minimum)

A Front	10'
Corner	10'
Front Opposite SFR	25'
B Side – Non-common Wall	8'
Side – Common Wall	0'
Side – Adjacent to NR Zone	25'
C Rear	10'
Rear – Adjacent to NR Zone	25'

Parking Setbacks (Minimum)

Parking – Front 10'

(setback measured from the longest portion of front wall plane of the primary structure)

Parking – Side/Rear

5'

Landscaping and Outdoor Space

Landscaping	20%
Useable Outdoor Space	10%

Building Form**Building Heights Maximum**

D Primary Building	55'
E Front Stoop/Porch (min. depth)	4'-10'
F Roof Overhang (min)	1'

Transparency (Fenestration)

Multi-Family Front Façade Coverage	25%
------------------------------------	-----

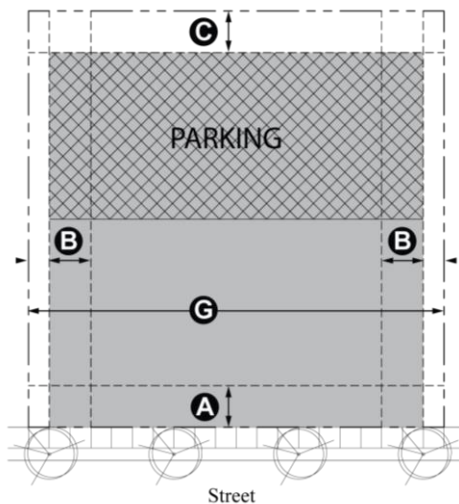
§17.07.110 Campus Residential (CR-40) Development Standards

The Campus Residential Zone is located adjacent to Utah State University and permits the highest residential density in the city. The intent of this zone is to consolidate student housing adjacent to the university to relieve student housing pressure on traditional single-family neighborhoods in the core areas.

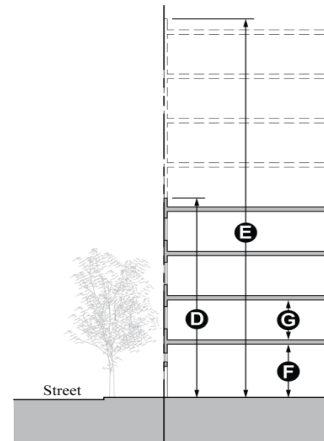
Campus Residential developments may develop at a maximum density of 40 dwelling units per acre or may choose to develop at a maximum density of 240 occupants per acre with a Conditional Use Permit. Ground floor commercial uses serving the resident population is an important component of the Campus Residential zone, and is encouraged provided they do not have a negative impact on adjoining residential uses.

Residential projects choosing to develop based on an occupant per acre standard rather than the dwelling unit per acre standard shall:

- Obtain a Conditional Use Permit;
- Delineate the occupancy allocation per unit on the proposed development plan, including the submittal and approval of a floor plan during the CUP process;
- Meet a minimum size of 70 square feet per single occupant bedroom and a minimum size of 110 square feet per double occupant bedroom;
- Comply with Building Code requirements for habitable areas and minimum room sizes; and
- Comply with all other Land Development Code requirements.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max)	40
Occupants/Acre (max) w/CUP	240

Lot Coverage

Max. Lot Coverage	60%
Ⓒ % of Bld. Width at Front Setback	(min) 75%

Building Setbacks (Minimum)

Ⓐ Front	10'
Corner	10'
Front Opposite SFR	25'
Ⓑ Side – Non-common Wall	8'
Side – Common Wall	0'
Side – Adjacent to NR Zone	25'

Ⓒ Rear	10'
Rear – Adjacent to NR Zone	25'

Parking Requirement

Parking – 1 Parking Stall per Occupant

Parking Setbacks (minimum)

Parking – Front	10'
Parking – Side/Rear	5'

Landscaping and Outdoor Space

Landscaping	20%
Useable Outdoor Space	10%

Non-residential Uses in Campus Residential

Non-residential uses shall not exceed 25% of total first floor square footage and shall be located on ground floor only.

17.07: Specific Development Standards: Residential Zones

Building Form**Building Heights (Maximum)**

Ⓓ Building	55'
Bld. Height adjacent to NR Zone	35'
Ⓔ Front Stoop/Porch (min. depth)	4'-10'

Floor Height (Floor to ceiling)

Ⓕ Ground Floor Commercial	12'
---------------------------	-----

Transparency (Fenestration)

Ground Floor Frontages (street facing min.)	25%
---	-----

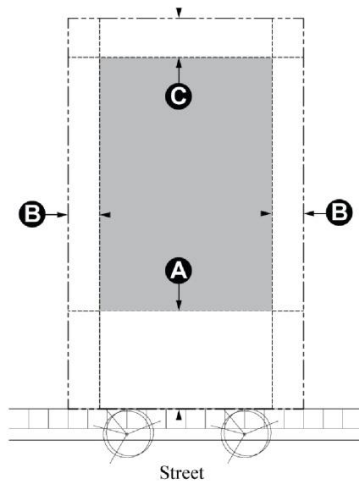
Parking Location

Rear or Side

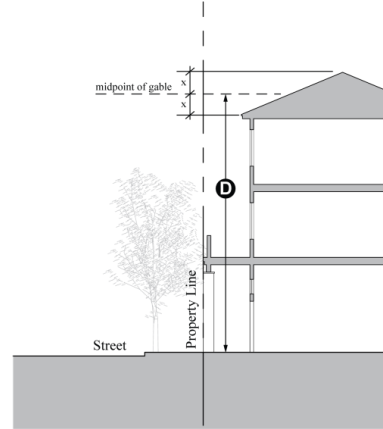
Parking structure shall be located above, below or behind residential structure (See Figure 17.31.090.D)

§17.07.120 Neighborhood Center (NC) Development Standards

The Neighborhood Center Zone is intended to provide a pedestrian oriented, modest level of convenience type commercial services to the surrounding neighborhoods. Neighborhood Centers are comprised of low-intensity retail and/or service related business, or mixed uses emphasizing the traditional neighborhood character while primarily serving residents and employees within a ten-minute walk. Neighborhood Center development may occur in, and adjacent to, residential areas so long as it is compatible with, and makes a smooth transition to, the surrounding neighborhood. Neighborhood Centers shall be located at least ¼ mile away from other Neighborhood Centers and commercially zoned properties.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre 9

Residential Design Standards

Stand along residential projects are not permitted.

Commercial Footprint (Maximum)

Per Parcel 3,000 SF

With a Conditional Use Permit 5,000 SF

Lot Coverage

Max. Lot Coverage 60%

Building Frontage (Minimum)

% of Bld. Width at Front Setback 60%

Building Setbacks

Ⓐ Front (min-max) 10'-25'

Corner 10'-25'

Ⓑ Side (min) 8'

Ⓒ Rear (min) 10'

Building Form**Building Height Maximum**

Ⓓ Building 35'

Front Stoop/Porch (min. depth) 4'-10'

Transparency (Fenestration)

Ground Floor Frontages (street facing min.) 50%

Parking

Location Side/Rear

Front Parking Setback 10'

Side/Rear Parking Setback 5'

Residential Parking Requirements:

Studio/One Bedroom Units – 1.5 parking stalls/unit

Two Bedroom or larger Units – 2 parking stalls/unit

Commercial Parking Requirements: Minimum

number of stalls based on use type

Landscaping and Outdoor Space

Landscaping 10%

Useable Outdoor Space 10%

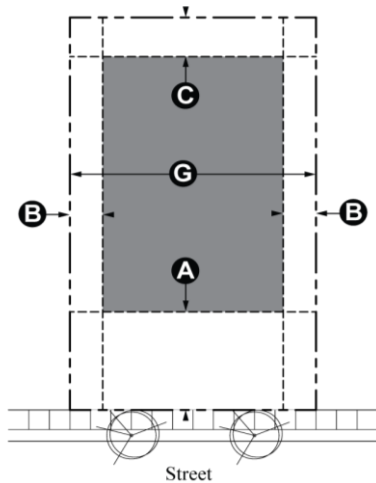
Site

No Drive-Thru Lane or Windows Permitted

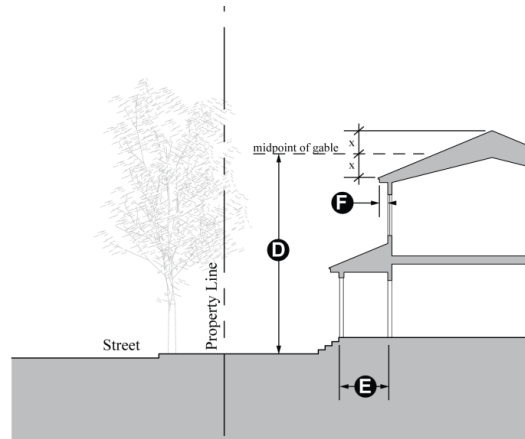
No Outside Storage Permitted

§17.07.130 Resource Conservation (RC) Development Standards

The Resource Conservation Zone includes lands protected from development such as highly productive agricultural lands, areas of high visual value (i.e. views and view corridors), and critical environmental resources. The RC includes land containing critical development hazards such as high liquefaction potential, high water table, floodplains, wetlands, etc. Much of the land within this zone is characterized by high value wetlands. They are lands that give a unique identity to the areas as well as lands that support natural functions essential to the sustainability, health, safety, and welfare of our community.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/Acre (max) 1/40 acres

Lot Size

Min. Lot Size 20,000 sq ft²

Lot Width

Ⓐ Minimum Lot Width 140'

Lot Coverage

Max. Lot Coverage 40%

Building Setbacks

Ⓐ Front 25'

Corner 20'

Ⓑ Side 8'

Ⓒ Rear 10'

Canal (recognized top bank) 15'

(Canal setback may be waived with written permission from appropriate canal company).

Building Height Maximum

Ⓓ Building 35'

Accessory Building 20'

§17.07.140 Mobile Home (MH)

The Mobile Home zoning district is intended to accommodate existing mobile home parks. Mobile home parks are developments in which the resident may own or rent the mobile home, but rents the land on which the mobile home is located. New mobile home parks are not permitted. Densities shall not exceed six (6) units per acre and the minimum lot size shall be 6,000 square feet. Site development shall be consistent with original project approvals.

Chapter 17.08: Neighborhood Residential Zone Uses

§17.08.010 Purpose

Chapter 17.08 sets forth the types of land uses permitted and conditionally permitted within Logan's Neighborhoods.

§17.08.020 Neighborhood Residential Land Use: Classification

- A. Primary Uses. Land use shall conform to the designations in Tables 17.08.030 (Structure Type) and Table 17.08.040 (Land Use). Land uses are designated as follows:
1. Permitted Uses. A "P" indicates that a use is allowed in the respective zoning district. Permitted uses must conform to the applicable requirements of the Land Development Code. Permitted uses requiring a public hearing are subject to the Procedures for Processing Applications contained in Chapter 17.48.
 2. Conditional Uses. A "C" indicates that a use is allowed as a Conditional Use in the respective zoning district and is subject to review and approval under the provisions of Chapter 17.42, Conditional Use Permits, and the Procedures for Processing Applications contained in Chapter 17.48.
 3. Uses Not Allowed. An "N" indicates that a use is not allowed in the respective zoning district, except where State or Federal law otherwise preempts local land use regulation.
- B. Accessory Uses and Structures. An accessory use or structure may be permitted in compliance with the applicable provisions of the zone in which it is located. An accessory use shall not commence, and no accessory structure shall be constructed, without a primary use first being lawfully established on the subject site. Additional regulations apply to Home Occupations (See Chapter 17.36).
- C. Temporary Uses. Temporary uses may be permitted for a period not to exceed twelve (12) calendar months in compliance with the provisions of the zone in which it is located and the provisions of Chapter 17.53. The procedures for review and approval of a temporary use are the same as for a permanent use; however, the reviewing authority may waive certain Land Development Code standards, and impose conditions of approval on the temporary use, as it deems necessary, to promote compatibility between the proposed use and adjacent permitted uses.
- D. Non-Conforming Uses. Non-conforming uses and development are subject to the provisions of Chapter 17.52.

§17.08.030 Neighborhood Residential Structure Types

Table 17.08.030 lists the residential structure types allowed in Neighborhood Residential zones. The structure types listed in the table are defined in Chapter 17.55. A "P" means the structure type is permitted, "C" means the structure type is permitted with a conditional use permit, and "N" means the structure type is not permitted.

Table 17.08.030: Residential Structure Types Allowed in Residential Districts

Type of Residential Structure	Residential Zoning Districts									
	NR-2	NR-2	NR-6	MR-9	MR-12	MR-20	MR-30	CR	NC	RC
Courtyard house, attached	N	N	N	P	P	P	P	P	P	N
Courtyard house, detached	N	N	P	P	P	P	P	P	P	N
Front yard house, attached	N	N	N	P	P	P	P	P	P	N
Front yard house, detached	P	P	P	P	P	P	P	P	P	P
Live work	N	N	N	N	N	N	C	C	C	N
Multi-dwelling, attached	N	N	N	P	P	P	P	P	C	N
Multi-dwelling, stacked	N	N	N	N	N	P	P	P	C	N
Manufactured housing unit	C	C	C	C	C	C	C	C	C	C
Twinhome (Duplex)	N	N	N	P	P	P	P	P	C	N
Town House	N	N	N	P	P	P	P	P	C	N

17.08: Neighborhood Residential Zone Uses

§17.08.040 Neighborhood Residential Land Uses

The following regulations are intended to accommodate a variety of housing choices and neighborhood-oriented services. With the exception of the Manufactured Home (MH) district, Table 17.08.040 lists the land uses allowed in all neighborhood residential zones.

Table 17.08.040: Allowed Uses in Neighborhood Residential Zones

LAND USE	Neighborhood Zones									
	NR-2	NR-4	NR-6	MR-9	MR-12	MR-20	MR-30	CR-40	NC	RC
Residential Uses										
Assisted Living Center	N ¹	N ¹	N ¹	N ¹	P	P	P	N ¹	N ¹	N ¹
Dormitories, Fraternities, Sororities	N	N	N	N	N	N	N	C	N	N
Nursing Home, Convalescent Home	N ¹	N ¹	N ¹	N ¹	P	P	P	N ¹	N ¹	N ¹
Residential Group Homes for individuals with disabilities	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹	C ¹
Residential Group Homes (communal living exceeding occupancy limits)	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
Residential Treatment Programs where care, training, or treatment is provided on site	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Residential occupancy of a dwelling unit as per Chapter 17.62	P	P	P	P	P	P	P	P	P	P
Residential occupancy of a dwelling unit by no more than six (6) individuals and not to exceed two (2) persons per bedroom	N	N	N	N	N	N	N	P	N	N
Accessory Dwelling Units (Internal) (See Ch.17.37 for Areas of Exclusion)	P	P	P	P	P	P	P	P	P	P
Short Term Rentals	P	P	P	P	P	P	P	P	P	P
Micro Living Units	N	N	N	N	N	P	P	N	N	N
Public/Institutional Uses										
Cemetery, Mausoleum	C	C	C	C	C	C	C	C	N	C
Clubs, Lodges, similar uses	N	N	N	N	C	C	C	C	N	N
Day Care/ Preschool (1-8 Clients)	P	P	P	P	P	P	P	P	N	C
Day Care/ Preschool (9-16 clients)	C	C	C	C	C	C	C	C	N	N
Day Care/ Preschool (Commercial) (17 or more clients)	N	N	N	N	N	N	N	C	N	N
Libraries, Museums, Community Centers	N	N	C	C	C	C	C	C	N	N
Parks, Neighborhood	P	P	P	P	P	P	P	P	N	P
Parks, Community/Regional	C	C	C	C	C	C	C	C	N	C
Public Safety Services (Police, Fire)	C	C	C	C	C	P	P	P	N	P
Religious Institutions	P	P	P	P	P	P	P	P	N	N
Schools, Public (K-12)	State law supersedes local zoning regulations.									
Schools, Private (K-12)	C	C	C	C	C	C	C	C	N	C
Community Services	N	N	N	N	C	C	C	C	N	N

17.08: Neighborhood Residential Zone Uses

LAND USE	Neighborhood Zones									
	NR-2	NR-4	NR-6	MR-9	MR-12	MR-20	MR-30	CR-40	NC	RC
Utility Uses										
Amateur radio towers	C	C	C	C	C	C	C	C	C	C
Municipal water well, reservoir, or storage tank	C	C	C	C	C	C	C	C	C	C
Radio, television, microwave towers	C	C	C	C	C	C	C	C	C	C
Utilities, basic service delivery and laterals	P	P	P	P	P	P	P	P	P	P
Utilities, distribution network	C	C	C	C	C	C	C	C	C	C
Utilities, structures, physical facilities, (Regional Facilities)	C	C	C	C	C	C	C	C	C	C
Wireless Telecommunication Facilities	C	C	C	C	C	C	C	C	C	C
Neighborhood Serving Commercial Uses										
Bed & Breakfast	N	N	N	N	N	C	C	C	N	N
Food Services less than 3,000 square feet in size & no auto drive-through ³	N	N	N	N	N	N	N	C	P	N
Food Services less than 5,000 square feet in size & no auto drive-through ³	N	N	N	N	N	N	N	C	C	N
Food Service & Sales and Service comprising no more than 25% of the first floor area	N	N	N	N	N	N	N	C	N	N
Office – General business, government, professional, medical, or financial and less than 3,000 square feet in size	N	N	N	N	N	N	N	C	P	N
Office – General business, government, professional, medical, or financial and less than 5,000 square feet in size	N	N	N	N	N	N	N	C	C	N
Sales and Service less than 3,000 square feet in size ³	N	N	N	N	N	N	N	C	P	N
Sales and Service less than 5,000 square feet in size ³	N	N	N	N	N	N	N	C	C	N
Other Uses										
Agriculture	N	N	N	N	N	N	N	N	N	P
Agriculture, Community	P	P	P	P	P	P	P	P	P	P
Agriculture, Urban	P	P	P	P	P	P	P	P	P	P
Alternative or Post Incarceration Facilities	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Parking, Commercial	N	N	N	N	N	N	N	C	N	N

¹ Indicates use may be allowed where State or Federal law preempts local zoning. A Conditional Use Permit is required for a Group Home for Disabilities if the proposal exceeds the base occupancy of the underlying residential zone.

² Indicates use may be allowed where State or Federal law preempts local zoning. A Group Home for non-disabled individuals is only allowed where they do not exceed the base occupancy of the underlying residential zone unless otherwise allowed where State or Federal law preempts local zoning.

³ In the Campus Residential Zone, the total square footages of a proposed non-residential use may exceed the amounts listed in the use chart provided the total square footage of the proposed non-residential uses do not exceed 25% of the total first floor area and may only be located on the ground level floor.

Chapter 17.09: General Development Standards: Neighborhood Residential Zones

§17.09.010 Neighborhoods Residential General Development Standards

- A. This Chapter provides uniform development standards for Logan neighborhoods, to promote streamlining of development review, and to ensure high quality site design and new construction.



This



Not This

- B. This Chapter applies to all residential development proposals in Logan. Some Sections may not be applicable to certain types of development, as specified by this Code. Where an interpretation of applicability is required, the Director shall make the interpretation or elevate the decision to a decision-making body.
- C. Design Review and Decision Criteria.
Development proposals which comply with the standards in this Chapter without any adjustment or modification to the standards shall be reviewed as Track 1 Design Review decisions. Development proposals which require adjustments or deviations from the standards identified in this Chapter, and/or include requests requiring a public hearing, shall be reviewed as Track 2 Design Review decisions.

§17.09.020 Single - Family Residential

- A. The provisions of this section apply to all new residential construction in the Neighborhood Residential zones.
- B. Building Placement and Orientation Standards.
1. It is intended to ensure that new development is pleasant and inviting to pedestrians by placing buildings closer to the street and by making primary building entrances more visually prominent and easily accessible.
 2. In cases where it is not practical to orient buildings to streets, the intent of these standards is to use a combination of setbacks and low-level screening to soften the visual impact of side or rear facing facades and to create street frontages that are inviting and pleasant for residents and passersby.
 3. Buildings and their primary entrances shall be oriented to streets or common courtyards unless prohibited by unique site conditions (see Figures 17.09.020.B.1 and 17.09.020.B.2).
 4. Alternatives to these building orientation standards may be permitted for single family residential buildings, as illustrated in Figure 17.09.020.B.3 and based on street type. Alternative “A” is applicable to local streets, alternative “B” is applicable to collector streets, and alternative “C” is applicable to arterial streets.

17.09: General Development Standards: Residential Zones



This



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Figure 17.09.020.B.1
Front Entry Oriented to Street

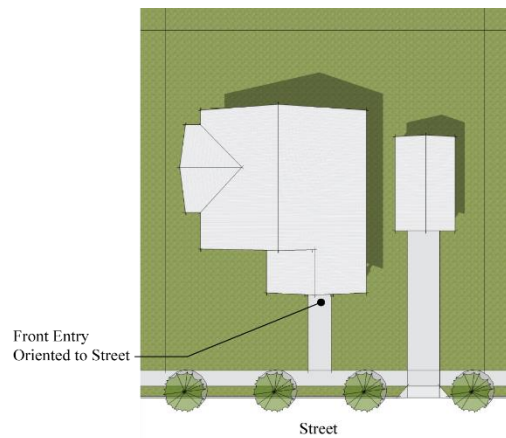
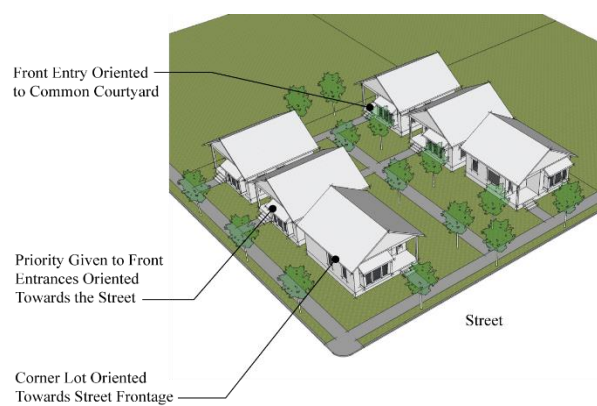


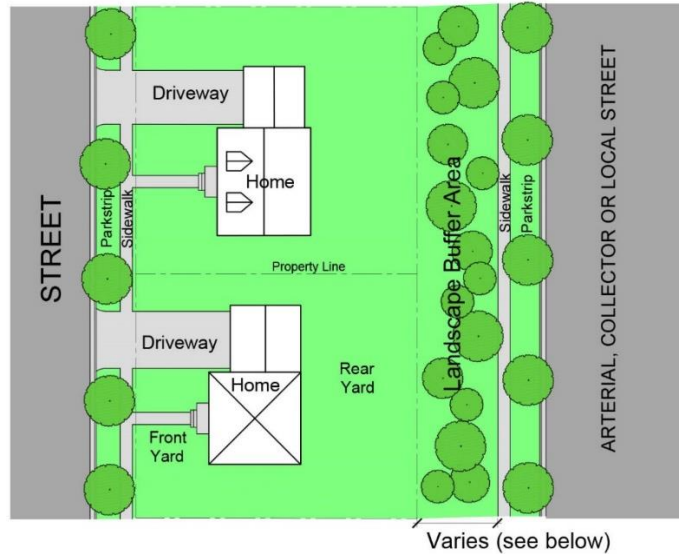
Figure 17.09.020.B.2
Front Entry Oriented to Common Courtyard



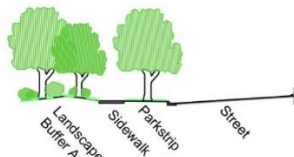
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Figure 17.09.020.B.3: Building Orientation**DOUBLE FRONTAGE LOTS****Alternative A**

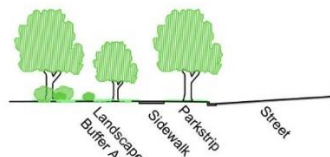
Local Streets
Minimum 15' Wide Buffer



1. Street Trees Every 30 Feet
2. Landscape Buffer Trees Planted Every 20 Feet (Block Average)
3. Landscape Buffer Shrubs Planted Every 10 Feet (Block Average)
4. 3 Foot Tall Minimum Berm

Alternative B

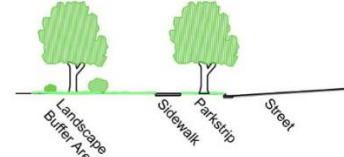
Collector Streets
Minimum 25' Wide Buffer



1. Street Trees Every 30 Feet
2. Landscape Buffer Trees Every 30 Feet (Block Average)
3. Landscape Buffer Shrubs Every 20 Feet (Block Average)

Alternative C

Arterial Streets
Minimum 35' Wide Buffer



1. Street Trees Every 30 Feet
2. Landscape Buffer Trees Every 40 Feet (Block Average)
3. Landscape Buffer Shrubs Every 30 Feet (Block Average)

FRONT FACING WITH ALLEY ACCESS

§17.09.030 Residential Parking and Accessory Structures

- A. This section provides standards for the placement, and orientation of residential accessory structures. It is intended to ensure that the placement of residential accessory structures are consistent with a traditional pattern of neighborhood development, in which garages, driveways, parking lots, and accessory structures are visually subordinate to primary uses.
- B. The provisions of this section apply to all new accessory development in the residential zones.
- C. Garage, Carport and Automobile Tent Standards.
1. No individual garage or other accessory structure shall exceed 100% of the primary structure's ground floor gross floor area.
 2. All detached accessory structures greater than two hundred (200) square feet in size shall require a building permit. No detached garage or other accessory structure shall be located within six (6) feet of another structure, except where a common wall is approved.
 3. Carports may be permitted provided they comply with minimum setbacks. When used to cover an approved off-street parking space, carports equal to or less than two-hundred (200) square feet in size may be located less than six feet (6') from the primary structure.
 4. If an accessory structure is less than or equal to 200 square feet and less than or equal to 10 feet high at highest portion, one (1) foot side and rear setbacks are allowed. Otherwise, standard setbacks apply. If the side yard is adjacent to a street, the accessory structure must be a minimum of 20 feet away from the street side property line.
 5. Automobile tent canopies, portable carports, accessory sheds, or similar structures are prohibited in the front yard (between dwelling and street), are only permitted in the side or rear yards and shall comply with minimum setbacks.
- D. Prohibited Accessory Structure.
Shipping containers, semi-trailers, boxcars, or similar structures shall not be installed, stored nor maintained on residential properties.



The garage is set back from the primary structure.

§17.09.040 Multi-Family Residential

- A. The purpose of this section is to ensure that new multi-family developments create physical environments that are varied, aesthetic, and consistent with the character and walkability of Logan's neighborhoods.
- B. The provisions of this section apply to all multi-family buildings and developments.
- C. Standards.

- 1. Façade Variation.

- a. For new development, no two (2) multi-family buildings may possess the same street-facing elevation on a block face. No two facades may be the same as an adjacent or opposite building façade. This standard is met when the street facing elevations differ from another front facade by at least 4 of the following criteria:

- 1) Articulation (see Section 17.09.040.C.2);
 - 2) Differing Mix of Materials (see Section 17.09.040.C.3);
 - 3) Variation in Roof Elevation (changes in elevation and orientation of roof line, or use of projections such as gables and dormers, that demonstrate variation over at least 20% of all front or street-facing elevations);
 - 4) Entry/Porch (variation in placement and configuration of porches, stoops, covering);
 - 5) Fenestration (variation in the arrangement and detailing of windows and other openings);
 - 6) Architectural Style (variation in style; e.g., Craftsman, Prairie, Four Square, Colonial, Tudor, Ranch, etc.);
 - 7) Variation of Building Height and Stories; or
 - 8) Color Variation.



Multi-family and mixed-use developments should fit the character and quality of Logan's existing neighborhoods.



Façade variation is achieved through changes in color and material, varied roof forms and the expression of individual dwelling units.



The long façade of a multi-family building is articulated by using porches, projections, varied roof forms which help to express the individual dwelling units.

- 2. Articulation.

17.09: General Development Standards: Residential Zones

- a. In multi-family buildings, individual units shall be accentuated using a variety of techniques that include plane changes, bays, variation in entrances, balconies, dormers, colors, columns, or other details defining the individual unit.
- b. For structures less than 35' in height, the front, side or street facing elevation shall be divided into distinct planes of 500 square feet or less. For structures greater than 35' in height, the front, side or street facing elevation shall be divided into distinct planes of 1,000 square feet or less. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. Bay windows, porch insets, dormers, porch canopies, and other secondary roof forms are examples of acceptable changes in wall plane.
- c. All building elevations must be articulated along the vertical face for a minimum depth of 1 foot, for a length of at least 6 feet, for every dwelling unit or every 30 feet of horizontal wall plane, whichever is less. This may be accomplished through the use of recesses or extensions of floor area, decks, patios, or entrances (see Figure 17.09.040.C.1).
- d. The vertical mass of buildings shall be broken up through the use of architectural features such as horizontal cornices, pediments, belt-courses, canopies (e.g., covered porches) and/or "bellybands" at least 12 inches in height across the length of the elevation.
- e. Roofs must provide offsets or breaks proportionate to the roof form. Dormers, porch canopies, and other secondary roof forms are examples of acceptable breaks in roofline on sloped roofs. Where flat roofs are allowed, stepped parapets or cornices proportionate to the building elevation are required.



The vertical mass of the building is broken up by horizontal roof forms. Projecting gable roofs provide breaks proportionate to the roof form.



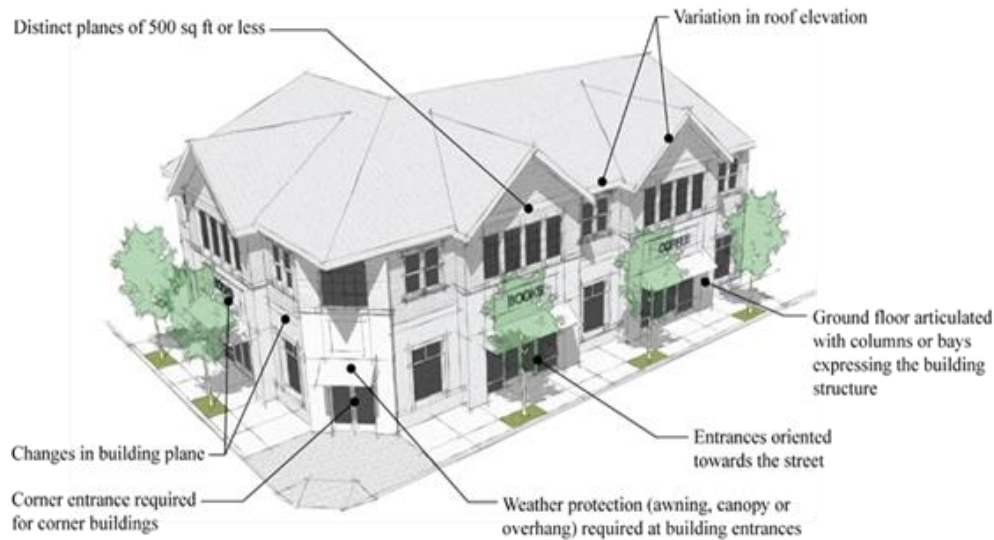
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Figure 17.09.040.C.1: Multi-family Façade Variation & Articulation

3. Mix of Building Materials for Primary and Accessory Structures.
 - a. Changes in color or material shall occur where there are breaks in planes and where appropriate for trim and other details. Building materials shall include: masonry materials, fiber cement siding, wood siding, board and batten, stucco, fiber cement panels, metal, brick, native stone or similar regional materials, and shingles (see Figure 17.09.040.C.2 for conceptual illustration of suggested ways to mix materials over different building elements).
 - b. The following materials shall each be limited to no more than 50% of an exterior wall surface visible from public rights-of-way (excluding alleys): architectural-grade veneer paneling, painted metal siding and vinyl. Metallic-finish siding (e.g., galvanized steel finish) may be allowed as an architectural accent consistent with an accepted style provided it does not comprise more than 20% of the surface area on any elevation.
 - c. No more than three (3) materials shall be used on the street-facing elevations of a building. All material shall be used and applied uniformly on the street-facing elevations of a building. The materials used on the front or street-facing elevation shall be used on at least 50% of the surface area of the sides and rear of the building. Rear elevations of a building that do not abut a public right-of-way, park, or common open space area are exempt from this requirement.

Figure 17.09.040.C.2: Mixed Use Façade Variation and Articulation

4. Maximum Building Length.

- a. In order to contribute to a pedestrian oriented environment and ensure compatibility with adjoining residential areas, maximum building length needs to be proportionate to maximum building heights, while bigger projects with larger buildings need more substantial modulation features to break up the overall mass and add visual interest to the streetscape. The length of a building along a street frontage or a property boundary adjacent to a Neighborhood Residential Zone shall not exceed the following lengths in the specific zone:
 - 1) Mixed Residential (MR-9): 150'
 - 2) Mixed Residential Low (MR-12): 150'
 - 3) Mixed Residential Medium (MR-20): 175'
 - 4) Mixed Residential High (MR-30): 200'
 - 5) Campus Residential (CR): 200'
- b. For every 100' in building length along the street frontage or adjoining a Neighborhood Residential Zone, the design shall include at least one significant break in the vertical wall plane with a minimum depth of at least 8 feet, a minimum length of at least 20 feet, and running the full height of the building.
- c. The length of a building along the street frontage internal to the specific zone shall not exceed the following length:
 - 1) Mixed Residential (MR-9): 200'
 - 2) Mixed Residential Low (MR-12): 225'
 - 3) Mixed Residential Medium (MR-20): 250'
 - 4) Mixed Residential High (MR-30): 275'
 - 5) Campus Residential (CR): 300'
- d. For every 200' in building length along a street frontage internal to the specific zone shall include at least two significant breaks in the vertical wall plane with a minimum depth of at least 8 feet, a minimum length of at least 20 feet, and running the full height of the building.

17.09: General Development Standards: Residential Zones

- e. Buildings located internal to a block do not have a maximum building length. Interior buildings may be connected to those along the street frontage; however, the rear building shall be setback at least 75' from the façade of the primary building, while the open area shall be at least 30' in width and shall consist of useable plaza or courtyard space.
4. Building Placement and Orientation Standards.
- a. This section establishes building placement and orientation requirements for new multi-family residential buildings. It is intended to ensure that new development is pleasant and inviting to pedestrians by placing building closer to the street and where primary building entrances are visually prominent and easily accessible.
 - b. In cases where it is not practical to orient buildings to streets, the intent of these standards is to use a combination of setbacks, low-level screening and building variation to soften the visual impact of side or rear facing facades and to create street frontages that are inviting and pleasant for residents and passersby.
 - c. Buildings and their primary entrances shall be oriented to streets or common courtyards unless prohibited by unique site conditions.



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§17.09.050 Commercial Uses in the Campus Residential Zone

- A. Where commercial uses and buildings are allowed in the Campus Residential zone, such use and buildings shall conform to the following regulations:
1. The maximum allowable collective footprint for a Commercial use in the Campus Residential Zone is limited to no more than 25% of the first-floor area of the project and shall be fully integrated into the function and design of the building and project in which it is serving. The minimum interior height for new commercial construction in the Campus Residential zone shall be 12'.
 2. Commercial uses shall be conducted entirely within a building conforming to the requirements of this Code, except that outdoor cafes and similar uses are allowed



The scale of commercial uses should be appropriate for the Neighborhood Zones.

17.09: General Development Standards: Residential Zones

subject to Conditional Use Permit approval and applicable city licensing requirements for any use of a public right-of-way.

3. The review authority may establish reasonable conditions of approval for commercial uses to provide for compatibility with existing adjacent single family residential uses. Conditions imposed through Design Review may include, but are not limited to, restrictions on building setbacks, height, landscaping, screening, parking, trash collection and storage, and hours of operation.

§17.09.060 Building Height Transition Areas

- A. The purpose of this section is to provide for a gradual transition between existing residential development and proposed taller structures as infill and redevelopment occurs in, and adjacent to, residential neighborhoods.

- B. This section applies to all new commercial, mixed use and multi-family structures adjacent to, or within 150 feet of, any parcel zoned either NR-2, NR-4, NR-6 and MH, with the exception that this requirement does not apply to those parcels that only contain non-residential structures with a building footprint greater than 5,000 square feet.



- C. Standards.

For all commercial, industrial, mixed use and multi-family development within 150 feet of any of the residential zones listed above (as measured from the residential zone boundary - see Figure 17.09.060.C.1), the maximum building height of the proposed structure is determined as follows:

1. Beginning at the minimum setback line of the subject property, the maximum height is equivalent to the maximum height of the adjoining residential zone, or 35 feet, whichever is less.
2. Additional height for the proposed structure may be added at a ratio of one additional (1) vertical foot of building height to two (2) horizontal feet of distance from the nearest setback line (see Figure 17.09.060.C.2).
3. The building height transition requirement ends 150' from the adjoining residential zones. At that point, the full building height allowed in the underlying zone may be attained.
4. This section does not waive or alter the maximum height requirements listed for each specific zone.

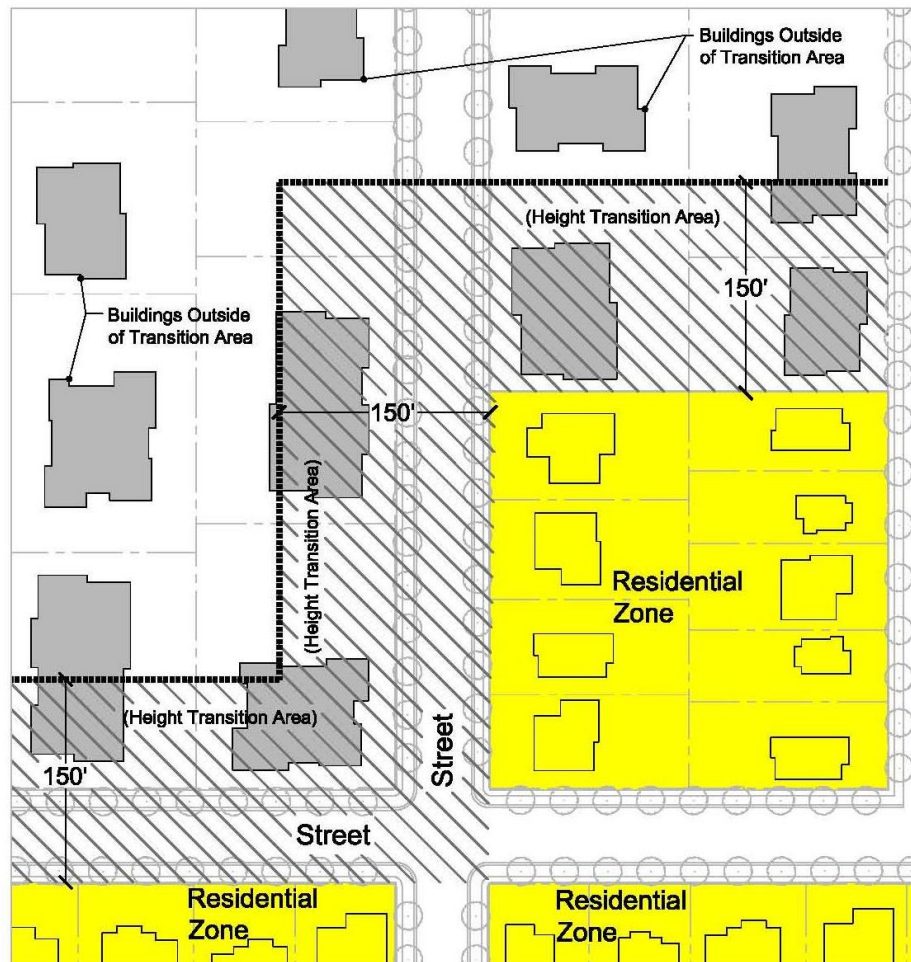
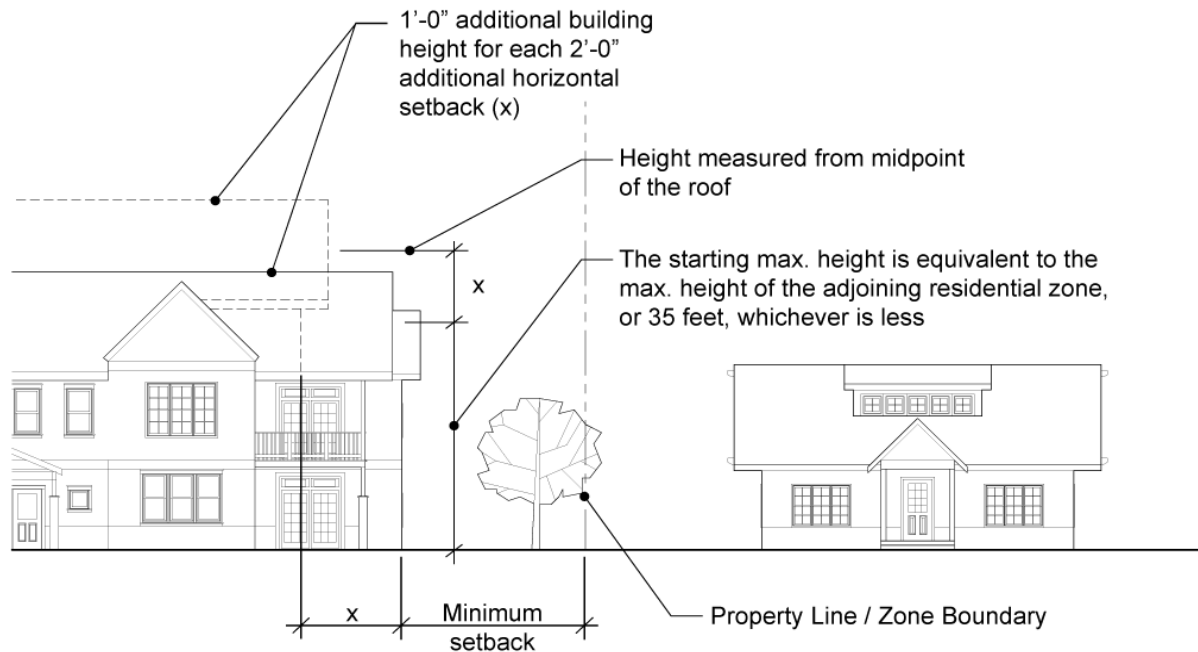
Figure 17.09.060.C.1: 150' Height Transition Areas

Figure 17.09.060.C.2: Building Height Transition**§17.09.070 Buildable Area Extensions in Residential Zones**

- A. This section allows certain encroachments into required setbacks and exempts certain architectural features from required lot coverage and structure height calculations. The intent is to provide flexibility in land use and building design where certain architectural features contribute aesthetically or functionally to a building without changing its floor area, occupancy, or intensity of use.
- B. This section applies to all buildings in all residential zones.
- C. Standards.
 1. Eaves, balconies, stoops, overhangs, awnings, bay windows, and similar features may extend beyond the shown buildable area by up to 36 inches.
 2. Porches and stoops may extend into the front setback a maximum distance of 10 feet, but in no case, shall be closer than 10 feet from the front property line for single family residential construction and 5 feet from the front property line for multi-family residential construction. Unenclosed Porches may extend into a side setback by up to 36 inches and in no case shall be closer than 5 feet from the property line.
 3. Unenclosed porches, balconies and similar structures extending not more than 30 inches above grade shall not be counted against maximum lot coverage.
 4. Within residential neighborhoods, spires, cupolas, belfries and domes, and similar architectural features not used for human occupancy may exceed height restrictions through design review, except where prohibited by Federal Aviation Regulations, part 77.

Chapter 17.10: Specific Development Standards: District and Corridor Zones

§17.10.010. Overall Purpose

The purpose of this Chapter is to implement the applicable commercial, industrial, and mixed-use goals, policies, directives and actions contained in Logan General Plan. “Districts” are commercial or mixed-use centers whereas “Corridors” are commercial or mixed-use areas aligned along major transportation routes. The development standards contained in this Chapter are intended to ensure that development is consistent with existing characteristics and building placement patterns.

§17.10.020. Districts and Corridors Zones Established

District and Corridor zones are established to implement the land use categories of the Logan General Plan’s Future Land Use Plan. Table 17.10.020 lists the Future Land Use Plan categories and corresponding zones.

Table 17.10.020 General Plan Land Use Districts and Implementing Districts and Corridors Zones

General Plan Designation	Zone Designation
Town Center (TC)	Town Center 1 (TC-1) Town Center 2 (TC-2)
Commercial (COM)	Commercial (COM) Community Commercial (CC)
Mixed Use Center (MUC)	Mixed Use (MU)
Gateway (GW)	Gateway Overlay (GW)
Commercial Service (CS)	Commercial Service (CS)
Industrial Park (IP)	Industrial (I)
Airport (AP)	Airport (AP)

§17.10.030. Siting

Siting standards provide for consistent setbacks along street frontages, provide for light penetration between buildings, and provide for adequate vehicular parking while efficiently using land resources.

- A. Setbacks: Setback standards frame streets spatially and encourage a consistent building wall along street edges. Parking setbacks enhance pedestrian safety and comfort while reducing the visual prominence of automobiles as viewed from streets, building entrances and sidewalks.
- B. Building frontage: Building frontage requirements enhance pedestrian safety, comfort and convenience by ensuring that street fronts in urban settings are framed by buildings for a minimum length of lots.
- C. Parking: Minimum parking standards accommodate vehicular access and provide for an adequate supply of parking. Maximum parking standards encourage compact development and efficient use of urban land, while encouraging the use of alternative modes of transportation.
- D. Land Set Asides: Land set aside requirements establish minimum standards for providing both open space and useable outdoor space, and ensure that all development projects are designed with functional exterior space to promote the health, safety, enjoyment, and livability for residents, visitors, shoppers, and workers.

§17.10.040. Building Form

Building form standards are intended to provide predictable and economically viable requirements for building form that implement the design aesthetic of the Code.

- A. **Building Heights:** Buildings should provide a sense of street enclosure for pedestrians in more urban environments. New commercial buildings adjacent to existing neighborhoods shall step-down in height to help minimize the visual impact to residential areas.
- B. **Floor Heights:** The intent of minimum ground floor and upper floor heights is to provide commercially viable spaces at the ground-level and adequate working and/or living spaces above. In the Town Center zone, floor height requirements are necessary to match historic floor levels consistent with historic preservation standards.
- C. **Transparency:** Where applicable, the intent of transparency standards is to promote economic activity by creating active street walls and visual interest for pedestrians at the ground-level. They also serve to promote personal and property safety by introducing more “eyes on the street” or natural surveillance of the public right-of-way and building interiors.
- D. **Entrances:** The intent of entrance standards is to provide direct and comfortable access to businesses for pedestrians. Entrances on public streets are particularly important to promote pedestrian traffic and activities on the sidewalks.

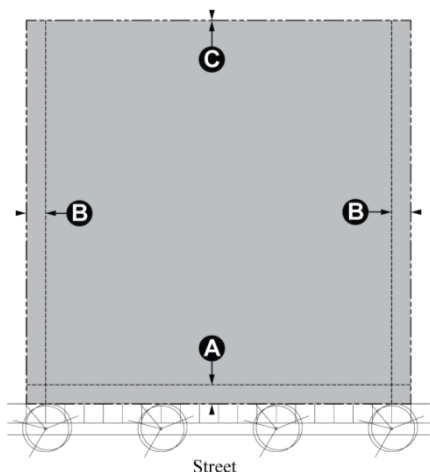
§17.10.050. Appearance

Appearance standards ensure that new commercial development is of high quality and helps to create an environment that is human-scaled, pleasant and safe for pedestrians, and consistent with the purpose of each zone.

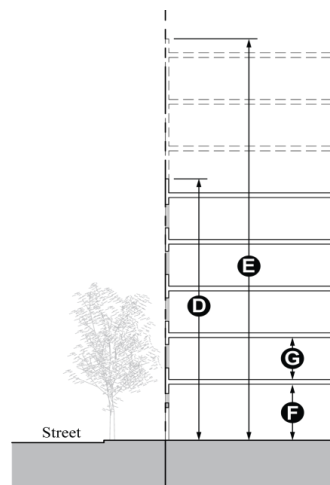
- A. **Elevations:** These requirements help to ensure that buildings attract customers/pedestrians, reduce the negative impact of blank walls, and improve the vitality of businesses.
- B. **Materials:** The intent of these requirements is to promote the use of high quality construction materials and to foster visual continuity on the publicly viewed sides of buildings.

17.10.060: Town Center 1 (TC-1) Development Standards

The Town Center 1 Zoning District (TC-1) is established to encourage a mix of retail, office, commercial, entertainment, residential, and civic uses within a compact, walkable urban form focused along Main Street or Fourth North, and consistent with The Downtown Logan Specific Plan. The TC-1 zone is distinguished from the TC-2 zone in terms of scale, use and intensity of new development along Main Street and Fourth North, and is considered the inner core of downtown Logan.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max)	70
Density Bonuses as per Chapter 17.34	

Lot Coverage (Maximum)

Lot coverage	100%
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Building Frontage (Minimum)

Main Street - % at Front Setback	75%
Fourth North - % at Front Setback	75%
Other Streets - % at Front Setback	50%

Ground Floor Commercial Required

At least 75% of all buildings fronting either Main Street or Fourth North shall contain street-facing commercial space on the ground floor with a minimum depth of 50'. Stand-alone and ground floor residential development is prohibited on all buildings fronting either Main Street or Fourth North.

Commercial Building Setbacks

A Front (min-max)	0'-5'
B Side (min)	0'
C Rear (min)	5'

Residential Building Setbacks

A Front (min)	0'-10'
B Side (min)	8'
Side Common Wall	0'
C Rear (min)	10'

Note: The maximum setback applies unless the Review Authority finds that a reduction within the specified range results in a better design due to design

flexibility, building placement, or compatibility with adjoining structures.

Building Heights (Maximum)

- B** Maximum Building Height along any street frontage is 55' with a step up to 80' using a height transition standard equal to 1' vertical for 2' horizontal

Building Height Bonus as per Chapter 17.34 permits an additional 24' of building height.

Building Heights (Minimum)

- B** Minimum Building Height along any street frontage is 27.5'.

Building Stories (Minimum)

In addition to meeting the minimum building height prescribed above, all buildings shall be constructed with at least two stories.

Ground Floor Height (Minimum)

F Commercial/Mixed Use Ground Floor Height	12'
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Height/Setback Transitions

Projects adjacent to a NR Zone shall comply with the height & setback transition standards in Section 17.12.040.

Commercial Transparency (Fenestration)

Ground Floor Frontage (min)	60%
Ground Floor Non-frontage (min)	40%
Upper Floors Frontage (min)	30%
Upper Floors Non-frontage (min)	20%
Residential All Floors (min)	20%

17.10: Specific Development Standards: District and Corridor Zones

Building Design

Four sided architecture is Mandatory. The front, back and side building elevations, regardless of the building's internal functional elements, shall have a consistent architectural design with architectural elements, colors, materials, and fenestration applied uniformly on all building facades. This requirement may be waived for portions of a building abutting an existing building, alleyway, or some other unique feature.

All building frontages shall have a pedestrian entry directly facing and accessible to the street.

Unless integrated into the structural and architectural design of a building, architectural features such as covered walkways, porticos, colonnades, patio covers, or other similar features are only considered accessory to the main building and are not included in the required lot coverage or lot frontage calculations.

Site Design

No drive-thru lanes or drive up windows are permitted. No outside storage is permitted.

Parking

Location	Side/Rear
Front Parking Setback	10'
Side/Rear Parking Setback	5'

Residential Parking Requirements:

Studio/One Bedroom Units – 1.5 parking stalls/unit

Two Bedroom or larger Units – 2 parking stalls/unit

Visitor Parking – 1 parking stall/10 units

Commercial Parking Requirements: Minimum number of stalls based on use type

Commercial Parking Requirement Reductions:

The Commission may authorize up to a 50% reduction in the minimum parking requirements if:

1. The range of proposed uses are from the Sales & Service Use Category in Table 17.11.030;
2. The project/site fronts either Main Street or Fourth North; and
3. The applicant has submitted an Alternative Parking Plan as per Chapter 17.31.

The Commission may authorize up to a 100% reduction in the minimum parking requirements if:

1. The range of proposed uses are from the Sales & Service Use Category in Table 17.11.030;
 2. The project/site fronts either Main Street or Fourth North;
 3. The applicant has submitted an Alternative Parking Plan as per Chapter 17.31;
 4. At least 50% of the project site is covered with building (Minimum 50% Lot Coverage); and
 5. The project designates at least 25% of the site as Useable Outdoor Space that is integrated into the overall project design that provides functional public gathering areas, e.g., plazas, parks, public squares, courtyards, or any other area that provides outdoor seating, is visually prominent and is easily accessible to both business users and the general public.
- Any subsequent change in use outside the "Sales & Service" Use Category will trigger compliance with minimum parking requirements in Chapter 17.31.

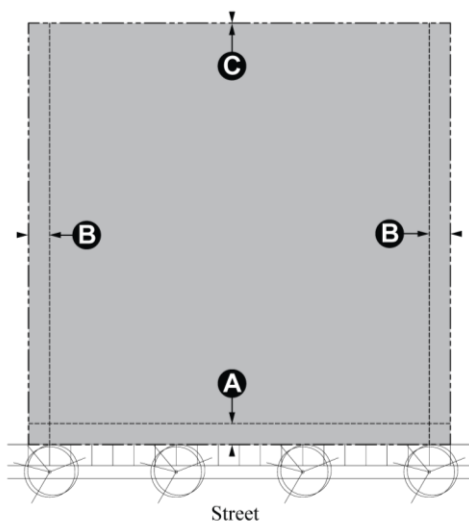
Landscaping and Outdoor Space

Landscaping/Useable Outdoor Space	Not required
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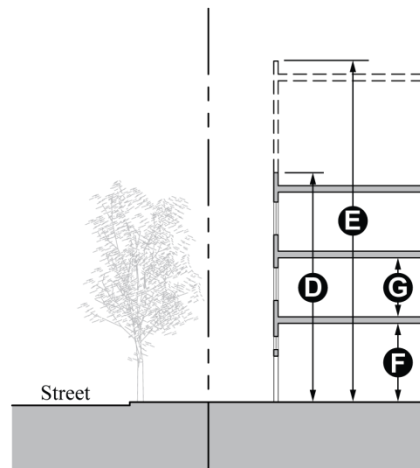
17.10: Specific Development Standards: District and Corridor Zones

17.10.070: Town Center 2 (TC-2) Development Standards

The Town Center 2 Zoning District (TC-2) is established to encourage dense residential development in the downtown area within a compact, walkable urban form. A mixture of uses is encouraged but not required. Ground floor commercial is not required. The TC-2 Zone is distinguished from the TC-1 Zone in terms of the scale, use and intensity of new development in the blocks immediately West or East of Main Street and is considered the outer core of downtown Logan.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max) 30

MIH/Affordable Housing Density Bonus

MIH/Affordable Housing Density Bonus as per Chapter 17.34

Lot Coverage (Maximum)

Lot Coverage 80%

Building Frontage (Minimum)

% at Front Setback 50%

Commercial Building Setbacks

A Front (min-max) 0'-10'

B Side (min) 0'-8'

Side Common Wall 0'

C Rear (min) 5'

Residential Building Setbacks

A Front (min) 0'-10'

B Side (min) 8'

Side Common Wall 0'

C Rear (min) 10'

Note: The maximum setback applies unless the Review Authority finds that a reduction within the specified range results in a better design due to design flexibility, building placement, or compatibility with adjoining structures.

Building Heights (Maximum)

E Maximum Building Height 45'

Height/Setback Transitions

Projects adjacent to a NR Zone shall comply with the height & setback transition standards in Section 17.12.040.

Commercial Transparency (Fenestration)

Ground Floor Frontage (min) 60%

Ground Floor (exposed sides) 30%

Upper Floors (frontage) 20%

Residential All Floors (min) 20%

Residential Design Standards

Residential projects shall comply with the residential design standards in Chapter 17.09.

Parking

Location Side/Rear

Front Parking Setback 10'

Side/Rear Parking Setback 5'

Residential Parking Requirements:

Studio/One Bedroom Units – 1.5 parking stalls/unit

Two Bedroom or larger Units – 2 parking stalls/unit

Visitor Parking – 1 parking stall/10 units

Commercial Parking Requirements: Minimum number of stalls based on use type.

Landscaping and Outdoor Space

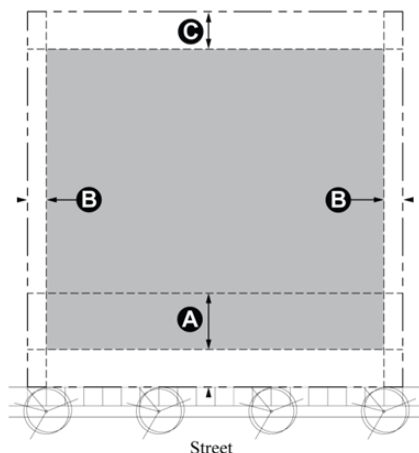
Landscaping 10%

Useable Outdoor Space 10%

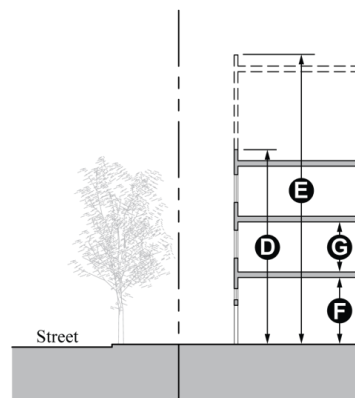
17.10: Specific Development Standards: District and Corridor Zones

17.10.080: Commercial (COM) Development Standards

The Commercial Zoning District (COM) is intended for retail, service, and hospitality businesses that serve city-wide or regional populations. Commercial uses are located on high capacity roads and are served by mass transit. Residential development is encouraged in the Commercial zone when it is designed as an integral part of a larger project involving a mixture of both commercial and residential uses in a vertical use type of project. Free standing residential development is not permitted in the Commercial Zone.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max)	30
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MIH/Affordable Housing Density Bonus

MIH/Affordable Housing Density Bonus as per Chapter 17.34

Residential Development &**Residential Uses**

Residential units in the Commercial Zone are only permitted in vertical mixed-use projects and are prohibited on the ground floor. Accessory residential uses including, but not limited to, lobby, mail room, mechanical, storage, bike areas, lounge, fitness area, pool, sauna, etc., shall not comprise more than 20% of the building footprint on the ground floor.

Commercial Uses Ground Floor**Area – Mixed Use Project**

In a mixed-use project that includes residential uses, no less than 80% of the building footprint on the ground floor shall be devoted to commercial uses within a finished commercial space. Enclosed parking on the ground floor of the structure is not permitted to be included in the 80% commercial threshold.

Lot Coverage (Maximum)

Lot Coverage	60%
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Building Frontage (Minimum)

% at Front Setback	50%
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Building Setbacks (Minimum)

A Front (Bld. Height 0' – 40')	10'
A Front (Bld. Height 41' – 55')	40'

B Side	8'
Side Common Wall	0'
C Rear	10'

Building Heights (Maximum)

E Building Height*	40'
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*The Maximum building height along a street frontage may be increased up to 55' with an increased front yard setback of 40' or by stepping the building up in height from 40' using a height transition ratio of 2' horizontal/1' vertical.

Ground Floor Height (Minimum)

F Ground floor height	12'
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Height/Setback Transitions

Projects adjacent to a NR Zone shall comply with the height & setback transition standards in Section 17.12.040.

Transparency (Fenestration)

Ground Floor (frontage)	30%
Ground Floor (exposed sides)	30%
Upper Floors (frontage)	20%

Residential Design Standards

Residential projects shall comply with the residential design standards in Chapter 17.09.

Parking

Location	Side/Rear
Front Parking Setback*	10'
Side/Rear Parking Setback	5'

*The Planning Commission may authorize the placement of up to 50% of the required parking stalls in the front of a building with a Conditional Use Permit (CUP) if findings can be made demonstrating the proposed site layout is compatible with adjoining properties, is consistent with surrounding land use and development

17.10: Specific Development Standards: District and Corridor Zones

patterns, provides enhanced pedestrian functionality and walkability in relationship to the adjoining street, will not compromise future projects or design, and includes substantial landscaping adjacent to the parking areas.

Commercial Parking Requirements: Minimum number of stalls based on use type.

Residential Parking Requirements:

Studio/One Bedroom Units – 1.5 parking stalls/unit

Two Bedroom or larger Units – 2 parking stalls/unit

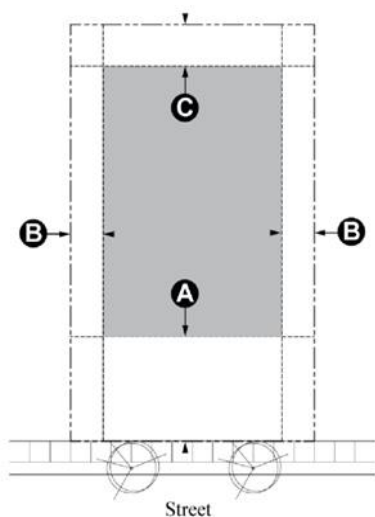
Landscaping and Outdoor Space

Landscaping	10%
Useable Outdoor Space	10%

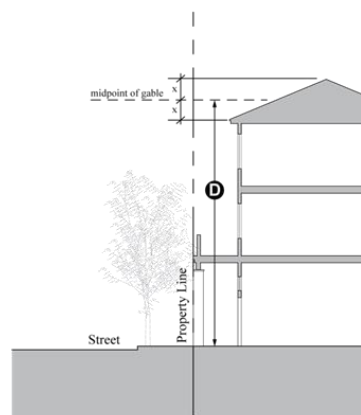
17.10: Specific Development Standards: District and Corridor Zones

17.10.090: Community Commercial (CC) Development Standards

The Community Commercial Zoning District (CC) is intended for small retail and professional offices to be located around the edges of the downtown area or even within existing buildings elsewhere in the City. These areas currently contain several small businesses located in converted residences or other buildings and are intertwined with the residential fabric of the neighborhood. This zone also contemplates the limited expansion of commercial activity within a variety of areas provided it is done at a scale appropriate to the immediate neighborhood. This zone will typically serve a population beyond just those in the immediate neighborhood. New Community Commercial projects will have parking areas to the side or rear of the building with landscaping sufficient to adequately screen the parking areas from adjoining residential properties, or will utilize shared parking areas to meet parking demands.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max) 12

Commercial Footprint (Maximum)

Per Parcel 10,000 SF

Lot Coverage (Maximum)

Lot Coverage 60%

Building Frontage (Minimum)

% at Front Setback 50%

Building Setbacks**A** Front (min-max) 10' – 25'**B** Side (min) 8'

Side Common Wall 0'

C Rear (min) 10'**Building Heights (Maximum)****D** Primary Building Height 35'**Transparency (Fenestration)**

Ground Floor (frontage) 30%

Ground Floor (exposed sides) 30%

Upper Floors (frontage) 20%

Residential Design Standards

Multi-family residential projects shall comply with residential design standards in Section 17.09

Parking

Location Side/Rear

Front Parking Setback 10'

Side/Rear Parking Setback 5'

Commercial Parking Requirements: Minimum number of stalls based on use type**Residential Parking Requirements:** 2 per unit**Landscaping and Outdoor Space**

Landscaping 10%

Useable Outdoor Space 10%

Site

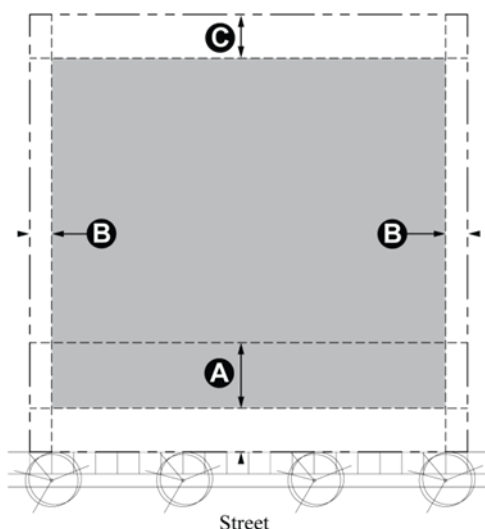
No Drive-Thru Lane or Windows Permitted

No Outside Storage Permitted

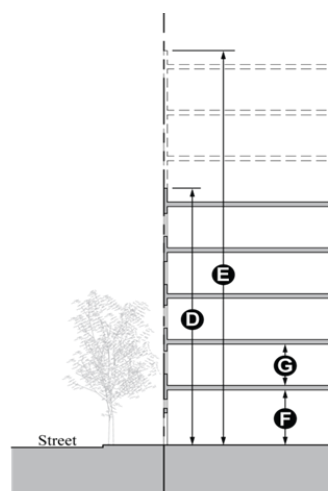
17.10: Specific Development Standards: District and Corridor Zones

17.10.100: Mixed Use (MU) Development Standards

The intent of the Mixed-Use Zoning District (MU) is to facilitate the integration of a variety of compatible uses with the goal of creating a community that offers “live, work, and play” opportunities within convenient walking distance of each other as well as with the existing neighborhood. Mixed use developments shall have both residential and commercial elements scaled to ensure compatibility with surrounding neighborhoods while promoting a pedestrian friendly environment and a more compact design. All mixed use developments should be designed at the human scale emphasizing people rather than cars and exhibit the following characteristics: complete streets with an emphasis on bike & pedestrian mobility, wide sidewalks, street trees, thoughtful and integrated landscaping and green areas, urban furniture, community gathering spaces, shared parking, integrated public transit (where available and/or anticipated), innovative and distinctive building architecture, a variety of commercial uses & activities, and a thoughtful and integrated mixture of differing housing types.



Site Plan Diagram



Site Plan Diagram

Residential Density

Base Density: Units/acre	20
Minimum Density:	5
Density Bonus: Units/acre	30

Minimum Residential Density Requirements

A mixed use project shall include at least 5 residential dwelling units per acre.

Commercial Uses Required on Ground Floor

All buildings, or portions thereof, fronting onto an existing or planned arterial or collector street, as designated on the Logan City Transportation Master Plan, shall have at least 50% of the ground floor designed and built for commercial uses.

Freestanding Commercial Buildings

Free standing commercial buildings are permitted along all street facing locations regardless of street Classification.

Freestanding Residential Buildings

Freestanding residential buildings are not permitted on an existing or planned arterial or collector street.

Minimum Commercial Building Area Requirements

A mixed-use project shall include a minimum amount of commercial building area as follows:

Overall Project Size	Minimum Commercial Building Area Required
Up to 3 Acres	3,500 square feet
3 – 5 Acres	6,500 square feet
5 – 7.5 Acres	9,500 square feet
7.5 – 10 Acres	12,000 square feet
10 – 15 Acres	20,000 square feet
15 – 20 Acres	30,000 square feet
	40,000 square feet plus
20+ Acres	1,000 sf/acre for projects larger than 20 acres

Residential Uses in Vertical Mixed Use Buildings

Residential dwelling units and residential accessory uses including, but not limited to, lobby, mail room, bike areas, mechanical, storage, lounge, fitness area, pool, sauna, etc., are permitted on the ground floor of a

17.10: Specific Development Standards: District and Corridor Zones

vertical mixed use building outside of the minimum required ground floor commercial area. Enclosed parking on the ground floor of a mixed use structure, regardless of the intended users, is not considered commercial space and shall not be included in the minimum ground floor commercial area.

Land Use Activities Required to Develop as a Mixed Use Development

A Mixed Use Development is characterized as a blending of residential and commercial uses on the same site in either a vertical or horizontal fashion. The uses listed in the Residential, Commercial, and Sale/Service Use Categories (17.11.030) are required to be developed in a mixed use project. The uses listed in the Public, Institutional, Utility, and Other Use categories in the District and Corridor Use Categories can be developed as standalone projects (see explanation below).

Useable Outdoor Space in Lieu of Commercial Space

The Planning Commission may permit the substitution of useable outdoor space at a ratio of 1/1 for up to 50% of the required commercial area provided the proposed useable outdoor space is integrated into the overall design of the project and provides functional public gathering areas. Public gathering areas include plazas, parks, public squares, sidewalks in front of small businesses, courtyards with seating, or any other area that provides outdoor seating (chairs or benches), are visually prominent and are easily accessible (See Chapter 17.28).

Ratio of Residential Construction to Commercial Construction

If the project is to be constructed in phases, each phase shall include an amount of commercial area proportionately scaled to the amount of residential development under construction. For example, if phase 1 is approximately 3 acres in size, at least 3,000 square feet of commercial building area shall be constructed during the same phase. No phase shall consist solely of residential, unless at least 50% of the required commercial area has been built in previous phases. The Planning Commission may approve a deviation from this requirement with an approved phasing plan and if the applicant can demonstrate that adherence to this requirement is impractical. In no case shall a project be permitted to build more than 50% of the approved residential units without starting construction on the required commercial buildings.

Mixture of Residential Structure Types Required

Mixed use projects shall contain a variety of residential structure types as follows:

Overall Project Size	Number of Required Residential Structure Types
----------------------	--

Up to 3 Acres	One
3 – 10 Acres	Two
Over 10 Acres	Three

Note: Where more than one residential structure type is required, a single residential structure type shall not comprise less than 10% of the total residential units nor more than 60% of the total residential units (Refer to 17.08.030 & 17.62 for Residential Structure Types).

Performance Based Residential Density Bonus Options

A residential density bonus of up to an additional 30 units per acre may be granted by the Planning Commission for the following project enhancements subject to Chapter 17.34:

Project Enhancements

Structured Parking	20
Additional Useable Outdoor Space	20
Vertical Mixed Use	15
Complete Streets Design	15
Additional Commercial Area	15
Affordable Housing Units	5

Note: The potential 30 du/ac density bonus is cumulative for a project meaning a project could incorporate a mixture of project enhancements to achieve the maximum density bonus available in the Mixed Use zone.

Lot Coverage (Maximum)

Lot Coverage	60%
--------------	-----

Building Frontage (Minimum)

% at Front Setback	60%
--------------------	-----

Building Setbacks

A Commercial Front	0'-10'
A Residential Front	0'-20'
B Side (min)	8'
Side Common Wall	0'
C Rear (min)	10'

Note: The maximum setback applies unless the Review Authority finds that a modification within the specified range results in a better design due to design flexibility, building placement, or better compatibility with adjoining structures or features.

Building Heights (Maximum)

E Primary Building Height	58' – 70'
----------------------------------	-----------

Height/Setback Transition

Projects adjacent to an NR zone shall comply with the height and setback transition standards in Section 17.12.040.

Ground Floor Height (Minimum)

F Commercial/Mixed Use Ground Floor Height	12'
---	-----

Transparency (Fenestration)

Ground Floor (Frontage)	50%
Ground Floor (Exposed Sides)	20%
Upper Floors (Frontage)	20%

17.10: Specific Development Standards: District and Corridor Zones

Residential Design Standards

Free-standing multi-family residential buildings shall comply with the residential design standards in Section 17.09.

Parking

Location	Side/Rear
Front Parking Setback	10'
Side/Rear Parking Setback	5'

Commercial Parking Requirements: Minimum number of stalls based on use type.

Residential Parking Requirements:

Studio/One Bedroom Units – 1.5 parking stalls/unit

Two Bedroom or larger Units – 2 parking stalls/unit

Parking Reductions: Parking requirements may be reduced by up to 25% for vertical mixed use projects with the approval of an alternative parking plan demonstrating how the overall project design is able to accommodate its intended uses and how the proposal

will not shift the private parking burden onto the public or adjoining property owners. The alternative parking plan shall identify the range of compatible uses intended for the project, the anticipated parking demands of all residential and commercial uses, the specific parking management strategies to be implemented, and adequately demonstrate how pedestrian and alternative methods of transportation will be integrated into overall project design. The approval of a parking reduction is discretionary by the Planning Commission.

Commercial Sidewalk Standards

Sidewalks in front of a commercial area shall be at least 15' in width.

Landscaping and Outdoor Space

Landscaping	10%
Useable Outdoor Space	10%
Public Gathering Areas shall comprise at least 40% of the minimum Useable Outdoor Space set aside.	

Note:

Public Gathering Areas are included in the minimum useable outdoor space set aside calculations (Chapter 17.28) and are generally defined as shared public spaces where people can comfortably congregate and socialize. Within a Mixed Use Project, public gathering areas generally include plazas, parks, public squares, sidewalks in front of small businesses, courtyards with seating, or any other area that provides outdoor seating (chairs or benches), are visually prominent, and are easily accessible.

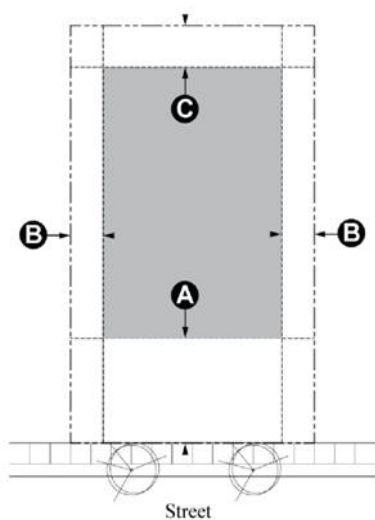
Complete streets are streets designed to ensure that the safety, accessibility, and convenience of all transportation users, pedestrians, bicyclists, bus/transit riders, and motorists, is accommodated. The characteristics of a Complete Street include wider sidewalks, narrow travel lanes, bike lanes, crosswalks, refuge medians, bus pullouts, bulb-outs, strategic on-street parking, lower speeds, functional street furniture, additional landscaping, and any other element that increases safety and enhances the environment for those who walk and bike.

The definition of a Mixed Use Development is the blending of residential and commercial uses on the same site and in a vertical or horizontal fashion. The uses that are required to be included in the mixed use concept are uses identified in the Residential, Commercial, and Sales/Service Use categories in the District and Corridors Use Table (17.11.030). The uses identified as either Permitted or Conditionally Permitted in the Institutional, Public, Utility, and Other Use categories in the District and Corridors Use Table (17.11.030) are allowed in the Mixed Use Zone, can be designed and constructed as standalone projects, and are not required to be designed and located within a mixed use project type. Projects and uses under these categories are required to meet all of the development standards in 17.10.100 with the exception of the minimum residential density requirement, the minimum commercial building area requirement, and the requirement to locate commercial uses on the ground floor.

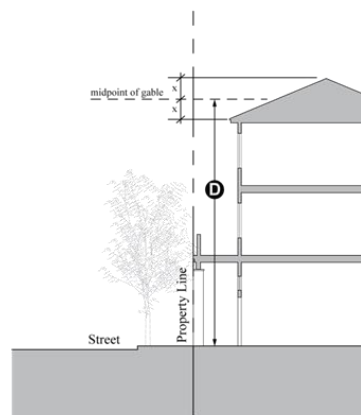
17.10: Specific Development Standards: District and Corridor Zones

17.10.110: Gateway (GW) Development Standards

The purpose of the Gateway Zoning District (GW) to develop and protect aesthetically pleasing, high quality, and economically functional entrances to the City. The Gateway Overlay zones focus on appropriate uses as well as form, design and site layout. While a wide range of uses may be found within the Gateway areas, certain uses are not compatible with creating an attractive, high quality entrance and are specifically prohibited. Enhanced building setbacks, enhanced landscaping, height limitations, increased frontage requirements, and a continual emphasis on high quality site and building design are the keys to the gateway areas. Gateways to the City are identified at all major highway entrances and are further refined by the Gateway Overlay Zones in Chapter 17.21.



Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max) 1

Lot Coverage (Maximum)

Lot Coverage 50%

Building Setbacks (Minimum)

A Front 35'

B Side 15'

Side Common Wall 0'

C Rear 15'

Building Heights (Maximum)

D Primary Building Height 38'

Transparency (Fenestration)

Ground Floor (frontage) 30%

Ground Floor (exposed sides) 30%

Upper Floors (frontage) 20%

Parking

Location Side/Rear

Front Parking Setback 15'

Side/Rear Parking Setback 15'

Commercial Parking Requirements: Minimum number of stalls based on use type**Residential Parking Requirements:** 2 per unit**Landscaping and Outdoor Space**

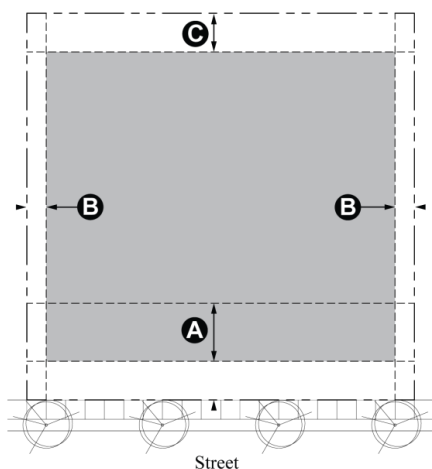
Landscaping 20%

Useable Outdoor Space 10%

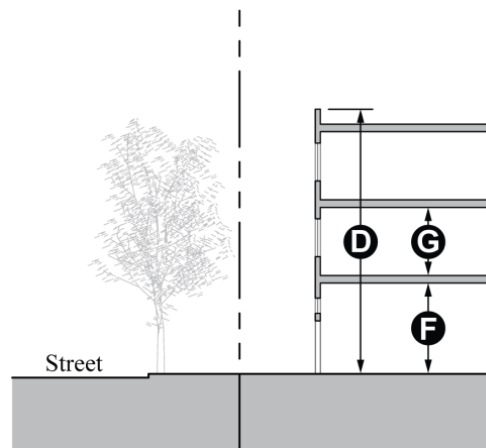
17.10: Specific Development Standards: District and Corridor Zones

17.10.120: Commercial Services (CS) Development Standards

The Commercial Service (CS) designation fills a need between industrial and commercial land uses. Commercial Service areas provide alternative locations for light manufacturing, warehousing, wholesaling, or other uses that support construction and manufacturing trades that are typically service oriented. The Commercial Service district will have the same quality design standards as commercial and industrial projects with an emphasis on higher quality site and building design, and will have an increased requirement for landscaping. Commercial Service areas are not intended for residential uses nor are they intended for heavy industrial types of uses.



Site Plan Diagram



Site Plan Diagram

Lot Coverage (Maximum)

Lot Coverage	60%
--------------	-----

Building Setbacks (Minimum)

A Front	10'
B Side	5'
Side Common Wall	0'
C Rear	10'

Building Heights (Maximum)

D Primary Building Height	38'
F Ground Floor Height	12'

Transparency (Fenestration)

Ground Floor (frontage)	30%
Ground Floor (exposed sides)	30%
Upper Floors (frontage)	20%

Parking

Location	Side/Rear
Front Parking Setback	15'
Side/Rear Parking Setback	5'

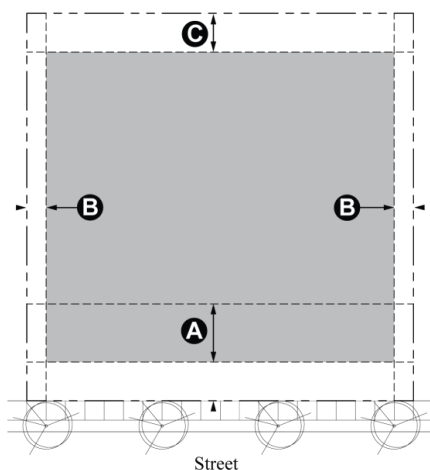
Commercial Parking Requirements: Minimum number of stalls based on use type

Landscaping and Outdoor Space

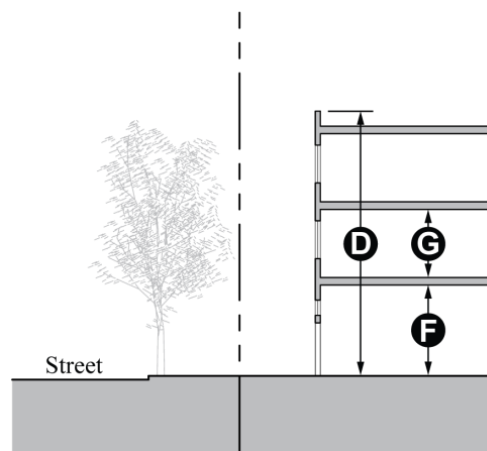
Landscaping	10%
Useable Outdoor Space	10%

17.10.130: Industrial (I) Development Standards

The Industrial (I) designation supports employment and production uses with related offices, services, and storage. Industrial developments will have large, well-designed buildings and attractive landscaping particularly where viewed from public roads. Adjacent uses will be buffered from potential negative impacts (yard storage, heavy equipment, noise, lights) through careful site planning, screening, landscaping, and building design. Industrial areas are not intended for residential development.



Site Plan Diagram



Site Plan Diagram

Lot Coverage (Maximum)

Lot Coverage	50%
--------------	-----

Building Setbacks (Minimum)

A Front	20'
B Side	20'
Side Common Wall	0'
C Rear	10'

Building Heights (Maximum)

D Primary Building Height	48'
Height may be increased up to 80' with a Conditional Use Permit.	

Transparency (Fenestration)

Ground Floor (frontage)	30%
-------------------------	-----

Parking

Location	Side/Rear
Front Parking Setback	20'
Side/Rear Parking Setback	15'

Commercial Parking Requirements: Minimum number of stalls based on use type

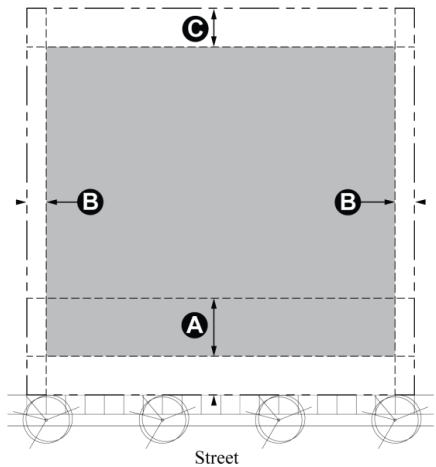
Landscaping and Outdoor Space

Landscaping	10%
Useable Outdoor Space	10%

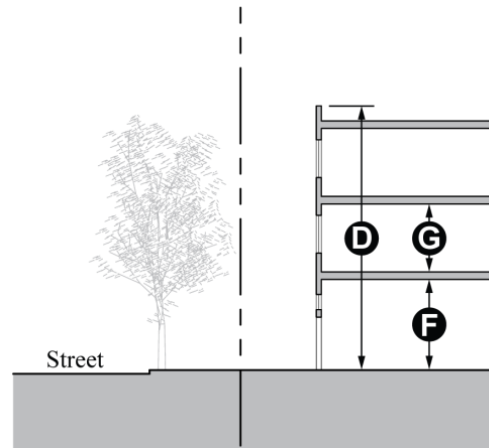
17.10: Specific Development Standards: District and Corridor Zones

17.10.140: Airport (AP) Development Standards

The Airport (AP) zone is specifically intended to promote the development and enhancement of the Logan Airport. The Airport Park is also a gateway (an opportunity for a “first impression”) to Logan, North Logan, and Utah State University; therefore, design quality is important in the Airport zone. The Airport Park includes business, research, and industrial activities and it forms a bridge between the Innovation Campus of Utah State University and the Logan Airport. Uses in the Airport designation include commercial uses that typically support airports (e.g., hotels, restaurants), as well as offices and industrial uses rely on proximity to an airport or are compatible with airport related activities and impacts. The Airport area will foster entrepreneurial business opportunities, research, and development. This zone is generally not intended for residential development; however, some adjacent residential development is appropriate. Development within the Airport zone shall be consistent with the Logan-Cache Airport Master Plan and the Logan-Cache Airport Specific Plan.



Site Plan Diagram



Site Plan Diagram

Lot Coverage (Maximum)

Lot Coverage	60%
--------------	-----

Building Frontage (Minimum)

Lot Coverage	50%
--------------	-----

Building Setbacks (Minimum)

A Front	10'
B Side	20'
Side Common Wall	0'
C Rear	10'

Building Heights (Maximum)

D Primary Building Height	48'
----------------------------------	-----

Transparency (Fenestration)

Ground Floor (frontage)	30%
-------------------------	-----

Parking

Location	Side/Rear
Front Parking Setback	20'
Side/Rear Parking Setback	15'

Commercial Parking Requirements: Minimum number of stalls based on use type

Landscaping and Outdoor Space

Landscaping	10%
Useable Outdoor Space	10%

17.10: Specific Development Standards: District and Corridor Zones

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Chapter 17.11: District and Corridor Zone Uses

§17.11.010. Purpose

This Chapter sets forth the types of land uses permitted and conditionally permitted within Logan's Districts and Corridors.

§17.11.020. Districts & Corridors Land Use: Classification

- A. Primary Uses. Land use shall conform to the designations in Table 17.11.030 (Use Table). Land uses are designated as follows:
 1. Permitted Uses. A "P" indicates that a use is allowed in the respective zoning district. Permitted uses must conform to the applicable requirements of the Land Development Code. Permitted uses requiring a public hearing are subject to the Procedures for Processing Applications contained in Chapter 17.48.
 2. Conditional Uses. A "C" indicates that a use is allowed as a Conditional Use in the respective zoning district. Conditional uses are subject to review and approval under the provisions of Chapter 17.49, Conditional Use Permits, and following the Procedures for Processing Applications contained in Chapter 17.48. Conditional uses must conform to the applicable requirements of Chapter 17.42.
 3. Uses Not Allowed. An "N" indicates that a use is not allowed in the respective zoning district, except where State or Federal law otherwise preempts local land use regulation.
- B. Accessory Uses and Structures. An accessory use or structure may be permitted in compliance with the applicable provisions of the zone in which it is located. An accessory use shall not commence, and no accessory structure shall be constructed, without a primary use first being lawfully established on the subject site.
- C. Temporary Uses. Temporary uses may be permitted for a period not to exceed twelve (12) calendar months in compliance with the provisions of the zone in which it is located and the provisions of Chapter 17.60. The procedures for review and approval of a temporary use are the same as for a permanent use; however, the reviewing authority may waive certain Land Development Code standards, and impose conditions of approval on the temporary use, as it deems necessary, to promote compatibility between the proposed use and adjacent permitted uses.
- D. Non-Conforming Uses. Non-conforming uses and development are subject to the provisions of Chapter 17.52.

17.11: District and Corridor Zones Uses

Table 17.11.030: Allowed Uses in District and Corridor Zones

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Residential Uses									
Assisted Living Center	N	C	C	C	C	N	N	N	N
Dormitories, Fraternities, Sororities	N	N	N	N	N	N	N	N	N
Nursing Home, Convalescent Home	N	C	C	C	C	N	N	N	N
One caretaker or security guard may be permitted to live on-site as an accessory use with a Conditional Use Permit.	N	N	N	N	N	N	C	C	N
Residential Group Homes (communal living exceeding occupancy limits).	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Residential Group Homes for individuals with disabilities.	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals.	P	P	P	P	P	N	N	N	N
Residential Treatment Programs where care, training, or treatment IS provided on site.	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Short Term Rental	P	P	P	P	P	P	N	N	N
Micro Living Units	P	P	P	P	N	N	N	N	N
Public/Institutional Uses									
Clubs, Lodges, similar uses	C	C	C	C	C	C	N	N	N
Day Care/Preschool, Commercial (17 or more clients)	P	P	C	C	C	C	C	N	N
Day Care/Preschool (1-8 Clients) or (9-16 Clients)	P	P	P	P	P	N	N	N	N
Hospitals	N	N	P	P	N	P	N	N	N
Libraries, Museums, Community Centers	P	P	C	C	C	C	N	N	N
Parks and Open Space	P	P	P	P	C	P	P	P	P
Public Safety Services (Police, Fire)	C	C	P	P	C	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	N	N
Schools, Colleges, University, Technical College	C	C	C	C	N	C	N	C	C
Schools, Private (K-12)	N	N	C	C	C	C	N	N	N
Schools, Trade, vocational, commercial	C	C	C	C	N	C	N	C	C
Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community	C	C	P	P	C	P	C	C	C
Utility Uses									
Amateur radio towers	C	C	C	C	N	C	C	C	C
Municipal water well, reservoir, or storage tank	C	C	C	C	N	C	C	C	C
Radio, television, or microwave towers	C	C	C	C	N	C	C	C	C
Utilities, basic service delivery and laterals	P	P	P	P	P	P	P	P	P
Utilities, distribution network	P	P	P	P	P	P	P	P	P
Utilities, structures, physical facilities (Regional Facilities)	C	C	P	C	C	P	P	P	P
Wireless Telecommunication Facilities	C	C	P	P	N	P	P	P	P
Commercial Uses									
Bank, savings and loans, or credit union	P	P	P	P	C	P	P	C	N
Bed and breakfast	P	P	P	P	C	N	P	N	N
Campground, RV or Tent	N	N	N	N	N	N	N	N	N
Clinic, medical, dental, or optical	P	P	P	P	C	P	P	C	C

17.11: District and Corridor Zones Uses

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Entertainment Event, Major	C	C	C	C	N	C	C	C	C
Entertainment Event, Minor	P	C	P	P	N	C	C	N	N
Golf course	N	N	N	N	N	P	N	N	C
Hotel, Motel	P	C	P	P	N	N	P	P	P
Indoor Commercial Shooting Range	N	N	C	N	N	N	C	C	N
Office, General business, government, professional, medical, or financial	P	P	P	P	C	P	P	P	P
Office, Laboratory, scientific or research	P	C	P	C	N	P	P	P	P
Parking, Commercial	C	C	P	C	N	N	P	P	P
Recreation and Entertainment (Outdoor Facility)	N	N	P	N	N	N	P	P	P
Recreational vehicle, vehicle storage (long term)	N	N	N	N	N	N	P	P	P
Sales and Service									
Adult oriented business	N	N	N	N	N	N	N	C	N
Alcohol, Bar	P	C	N	C	N	N	N	N	N
Alcohol, Bar in conjunction with manufacturing	N	N	N	N	N	N	P	P	N
Alcohol, Bar in hotel	P	C	P	P	N	N	P	P	P
Alcohol, Brew Restaurant	P	C	P	P	C	P	P	P	P
Alcohol, Package liquor store	State law supersedes local zoning regulations								
Alcohol, Taproom	P	C	N	C	N	N	N	N	N
Alcohol, Tavern	P	C	N	C	N	N	N	N	N
Alcohol, Tavern in conjunction with manufacturing	N	N	N	N	N	N	P	P	N
Amusement, commercial indoor	N	N	P	C	N	N	P	P	N
Animal clinic or pet hospital, No outdoor pens	N	N	P	C	C	N	P	N	N
Animal clinic or pet hospital, with outdoor pens	N	N	N	N	N	N	C	C	N
ATVs, Motorcycle, and Snowmobile sales, service and rental	N	N	C	N	N	N	C	P	C
Automobile Sales & Rental	N	N	C	N	N	N	P	P	N
Automobile Sales, Small Dealership	C	N	P	N	N	N	P	P	N
Automobile Repair	N	N	N	N	N	N	P	P	N
Automobile Service	N	N	P	N	N	N	P	P	N
Carwash	N	N	P	N	N	N	P	P	N
Dancehall or nightclub	P	C	P	P	N	N	N	N	N
Fitness Center	P	P	P	P	C	N	P	P	N
Garden shop, plant sales, nursery	P	P	P	P	C	C	P	C	N
Gasoline station/convenience store	N	N	P	N	N	N	P	P	N
General Sales/Service. Firms involved in the sale, lease or rent of new or used products to the general public. These firms may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.	P	P	P	P	C	C	C	C	N
Grocery store	P	P	P	P	C	N	N	N	N
Heavy truck & equipment sales, service, and rental	N	N	N	N	N	N	P	P	C
Kennel	N	N	N	N	N	N	C	C	N
Kennel, daily boarding	C	C	C	C	C	C	C	C	C

17.11: District and Corridor Zones Uses

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Mobile Home & RV sales	N	N	N	N	N	N	C	P	N
Mortuary, funeral home	N	N	P	N	N	N	P	N	N
Pawn shop	N	N	P	N	N	N	P	N	N
Pet services	C	C	P	P	C	N	N	N	N
Radio or television transmitting stations, commercial	N	N	P	N	N	C	P	P	N
Railroad or bus passenger station	P	P	P	P	N	P	P	P	P
Recreation Club, racquet, swim, or other	N	N	P	N	N	N	P	P	N
Restaurant, Fast Food	P	C	P	P	C	P	P	P	P
Restaurant, General	P	C	P	P	C	P	P	P	P
Sales and service, footprint greater than 100,000 sq. ft. (Big Box)	N	N	P	N	N	N	C	C	N
Storage, Commercial (Self Storage)	N	N	N	N	N	N	N	N	C
Studio, photographer, artist, music, dance, and drama	P	P	P	P	C	N	P	N	N
Theaters	P	C	P	P	N	N	P	N	N
Industrial Uses									
Alcohol, Brewery, Distillery, or Winery	N	N	N	N	N	N	N	C	N
Alcohol, Small Brewery, Distillery, or Winery	N	N	N	N	N	N	P	P	N
Contractor supply store	N	N	C	N	N	N	P	P	N
Contractor supply store with outdoor storage	N	N	N	N	N	N	P	P	N
Contractor's outdoor storage	N	N	N	N	N	N	C	P	C
Crematorium	N	N	N	N	N	N	P	P	N
Impound and Tow Lot	N	N	N	N	N	N	C	P	N
Industrial Services	N	N	N	N	N	N	P	P	C
Industrial Machinery and equipment sales and service	N	N	N	N	N	N	C	P	C
Lumberyard	N	N	N	N	N	N	P	P	N
Manufacturing, processing, fabrication, packaging, or assembly of goods	N	N	N	N	N	N	C	P	N
Manufacturing, light	N	N	C	N	N	N	P	P	C
Petroleum products storage	N	N	N	N	N	N	C	C	N
Truck Stop	N	N	N	N	N	N	P	P	N
Warehouse, Freight Movement	N	N	N	N	N	N	P	P	P
Waste Related Uses	N	N	N	N	N	N	N	N	N
Welding or machine shop	N	N	N	N	N	N	P	P	P
Wholesale Sales and Service	N	N	C	N	N	N	P	P	N
Wrecking or Salvage Facilities, Enclosed	N	N	N	N	N	N	C	C	N
Wrecking or Salvage Facilities, Open	N	N	N	N	N	N	N	N	N
Other Uses									
Agriculture	N	N	N	N	N	P	P	P	P
Agriculture, Community	P	P	P	P	P	P	P	P	P
Agriculture, Urban	P	P	P	P	P	P	P	P	P

17.11: District and Corridor Zones Uses

Land Use	Districts & Corridors								
	TC-1	TC-2	COM	MU	CC	GW	CS	IP	AP
Air Passenger Terminals or Hangers	N	N	N	N	N	N	N	N	P
Alternative or Post Incarceration Facilities	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Detention Facilities	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹	N ¹
Mining or extraction of mineral or aggregate resources from the ground for off-site use	N	N	N	N	N	N	N	N	N

¹ Indicates use may be allowed where State or Federal law preempts local zoning.

Chapter 17.12: General Development Standards: District and Corridor Zones

§17.12.010. General Development Standards

- A. This Chapter provides unified development standards for Logan's Districts and Corridors, to promote streamlining of development review, to ensure consistency, and to provide flexibility in site design.
- B. This Chapter applies to all development proposals in Logan's Commercial and Industrial Districts and Corridors. Some Sections may not be applicable to certain types of development in certain locations of the City due to unique site conditions, neighborhood compatibility, access issues or some other technical consideration. The Director or the applicable decision-making body (depending upon the review process) shall make the interpretation of applicability during the design review process.
- C. Design Review and Decision Criteria.
Development proposals which comply with the standards in this Title that do not require any adjustment or modification to a specific standard shall be reviewed as Track 1 Design Review decisions. Development proposals which require adjustments or deviations from the standards identified in this Chapter, or include requests requiring a public hearing, shall be reviewed as Track 2 Design Review decisions.

§17.12.020. Building Design Standards – Commercial and Mixed-Use Development

- A. The purpose of this Section is to promote high quality and aesthetically pleasing commercial and mixed-use design and development within the Districts and Corridors.
- B. The provisions of this Section apply to commercial and mixed-use development in District and Corridor zones. Industrial projects in the Commercial Services and Industrial zones shall comply with the building design standards listed in Section 17.12.060 in lieu of Section 17.12.020.
- C. Standards.
 1. Variation in Front and Street-Facing Elevations.
 - a. For all new development, no two adjacent buildings may possess the same front/street-facing elevation. This standard is met when building elevations differ by at least three of the following seven criteria:
 1. Mix of Materials;
 2. Articulation;
 3. Roof line;
 4. Entry;
 5. Fenestration (the arrangement of windows and other openings);
 6. Height; or
 7. Detailing (including colors and materials and textures for multiple building elements).
 2. Four-Sided Design Required. All sides of a building shall receive equal architectural design consideration (i.e., windows, doors, architectural treatments, roof line, detailing, window coverings, etc.). Generally, no building shall have a



Use a variety of materials and alterations in the façade to clarify entries and reduce the perceived building scale.

17.12: General Development Standards: District and Corridor Zones

blank, flat wall unless the decision-making authority finds that the impact is minimal.

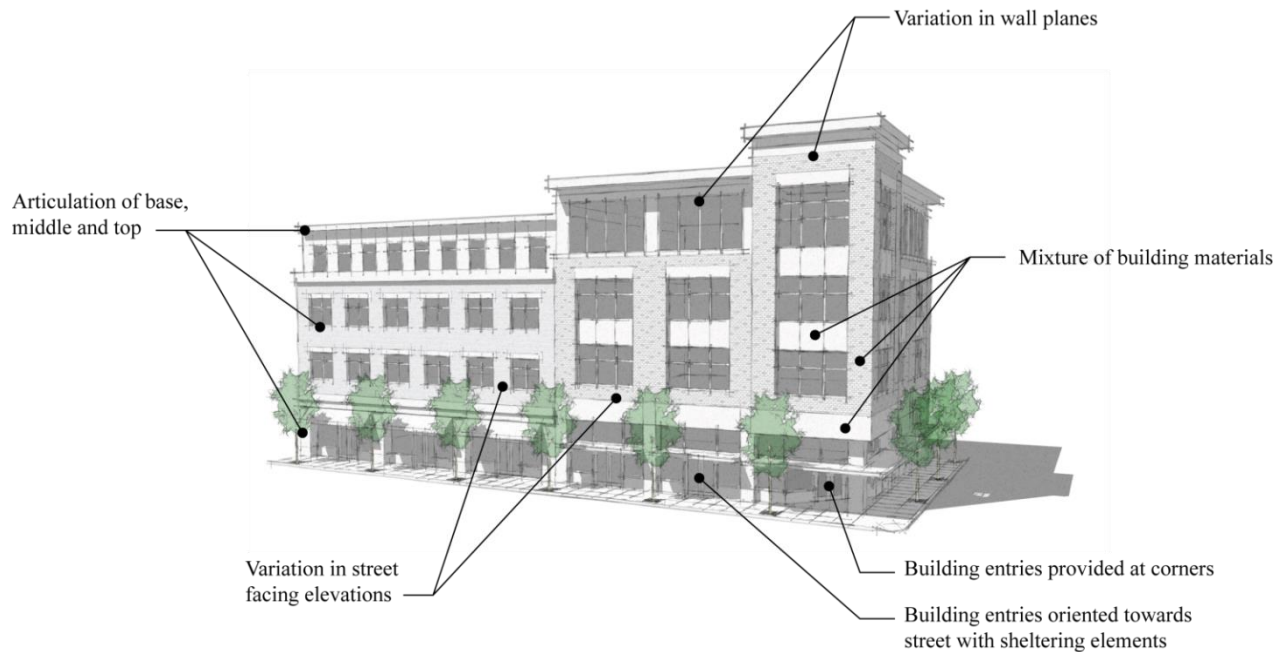


This is a good example of appropriate use of multiple materials. However, too many materials, colors, and textures can create confusion and lack of continuity.



Integrating a variety of forms helps reduce the mass of a building.

Figure 17.12.020: Town Center, Commercial and Mixed-Use Building Design Standards



17.12: General Development Standards: District and Corridor Zones

3. Building Materials Mix.

- a. Building materials shall be compatible with the architectural style and design of the building.
- b. A mixture of building materials is required on all building elevations.
- c. Materials that convey texture, scale, finish and color shall be used. Acceptable building materials include: masonry (brick, stone, imitation stone, rusticated masonry block); stucco; wood; fiber cement; architectural or decorative concrete; metal; or a combination of these materials. Stucco (EIFS), architectural and decorative concrete require sufficient detailing providing interest and surface variation. Scoring is acceptable to achieve the required detailing. Areas between score lines shall not exceed 64 square feet.
- d. The mixture of material(s) used on the front facade must continue or transition on the remaining sides and rear of new buildings, for example by turning a building corner and maintaining consistent horizontal and/or vertical lines.
- e. Façade components shall help to establish a human scale. Examples include providing exterior wall treatments that establish rhythms and patterns of windows, columns, and floors of the building. Windows and doors will be similar in scale.

4. Building Mass.

Buildings shall be designed to a human scaled environment by incorporating sufficient architectural detail to break up the mass of the building. Long, unbroken walls and roof lines shall be avoided. Blank lengths of wall exceeding 40 linear feet are prohibited on all exposed building facades.



Use building materials that are architecturally compatible with the architectural style and design of the building.



Whenever stucco (EIFS) is used as an exterior material, details shall be introduced into the surface design to provide interest and surface variation.



Whenever stucco (EIFS) is used as an exterior material, surface texture must be incorporated in the form of scoring where no surface component exceeds 64 square feet in area.

17.12: General Development Standards: District and Corridor Zones

- a. Horizontal Articulation. Buildings facades shall be divided into a series of smaller components or wall planes. No individual wall plane shall have a length of more than 40 feet. This standard is met when a building façade is designed with at least three of the following six criteria:

1. Changes in a wall plane of at least 12 inches for a length of at least 6 feet in length;
2. Variations in roof form or roof height through the use of dormers, overhangs, arches, stepped roofs, or gables provided the variation in height is at least two feet or more and done in conjunction with a change in wall plane;
3. Variations in the arrangement and recessing of windows and doors;
4. Recognizable changes in texture, material, or surface colors;
5. Providing projections such as balconies, cornices, covered entrances, awnings, arcades, colonnades, trellis', or pergolas; or
6. The use of columns or other vertical elements.



Express façade components using methods that will help convey a human scale. Comparable to this historic building wall, dividing a single development into distinct façade components is one example of how to accomplish this.



Using sloped roof forms can help reduce the perceived scale of a building.



Large storefront windows can help to establish a sense of human scale and provides street-level pedestrian interest.



- b. Vertical Articulation.
1. Building design will provide a clear, distinctive base, an occupied middle, and a top (e.g., an eave, cornice, and/or parapet line) that complement and balance one another.
 2. A building's facade shall emphasize each floor in the external design. Examples of meeting this standard include use of belt courses or other

17.12: General Development Standards: District and Corridor Zones

horizontal shadow producing trim band of contrasting color, relief, and materials, varying materials and using structural elements.

3. The vertical height of any blank wall plane shall not exceed 12 feet.



Traditional dimensions can be expressed by dividing the facades of a larger building into modules.



This



Not This



This



Not This

5. Roof.

- a. Varied roof or parapet forms shall be used to reduce the perceived scale of the building and to conceal roof top equipment from public view.
- b. Any roof shall have at least one of the following features:
 1. Overhanging eaves of at least 2 feet.
 2. Sloping roof or multiple roof planes.
 3. A parapet concealing a flat roof.



Varied roof forms and depth help to reduce perceived building scale. False roof forms shall have depth behind the façade of the building no less than 20 % of the depth of the building footprint.

17.12: General Development Standards: District and Corridor Zones

- c. False roof forms or varying parapet elements shall have depth behind the façade of the building no less than 20% of the depth of the building footprint.
- 6. Center Street National Historic District. All buildings within the Center Street National Historic District must comply with the Center Street National Historic District Design Standards and shall receive a Certificate of Appropriateness where required.



Varied roof forms, heights, design details, and materials can be used to clarify entrances and reduce perceived building scale.

§17.12.030. Building Orientation and Entries

- A. The purpose of this Section is to ensure that buildings are designed to be oriented to the street. All buildings shall have visually prominent primary building entrances that are generally oriented to the street while easily accessible to pedestrians.
- B. These standards apply in the following Town Center I & II, Commercial, Mixed Use and Community Commercial districts.
- C. Standards.
 - 1. Buildings shall be oriented toward the street with the primary entrance generally facing the street and with secondary entrances to the side or rear to allow for access to available parking. In situations where the primary entrance is not oriented to the street, then the building façade facing the street shall have a similar architectural style, detail, trim features, roof treatment, and visual interest as the primary entrance/primary façade. This is inclusive of windows, entrances, roof form, and architectural elements. In lieu of actual windows and entrances, niches and alcoves with significant architectural delineation and definition to suggest window and entrance elements shall be used.
 - 2. Where feasible, corner buildings with two street frontages shall have the primary entrance oriented to the street corner.
 - 3. Primary building entrances shall be immediately accessible by sidewalks, pedestrian ways, plazas, courtyards, public transit areas, or other civic spaces.
 - 4. Primary building entrances shall include at least one (1) sheltering element matching the scale and design of the building such as awnings, canopies, colonnades, marquees, building overhangs, arcades or porticos. Additional sheltering elements may be required in some zones, or may be required through design review.



A building's primary entrance oriented toward the public street.



Develop the street level to provide visual interest to pedestrians at the sidewalk edge and to convey a human scale. For example, locating an entrance on the corner can provide street-level interest to the front and side of a building.

17.12: General Development Standards: District and Corridor Zones



Design the primary entrance to be the prominent feature of the building.

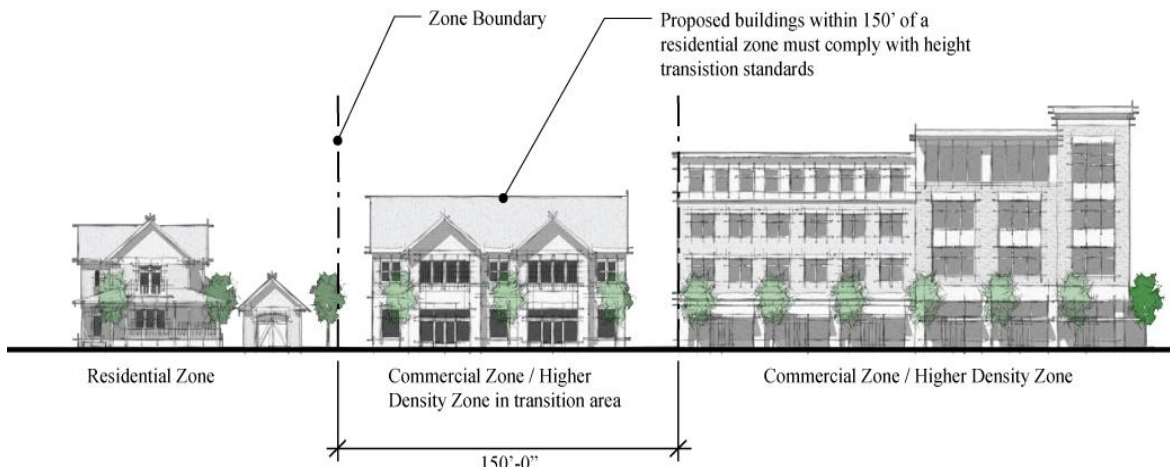


The primary entrance of a building will orient to sidewalks and pedestrian ways.

§17.12.040. Transition Areas

- A. The purpose of this Section is to ensure commercial development is compatible with adjacent residential neighborhoods. The standards are intended to provide for a gradual transition from shorter to taller structures and consistency in setbacks along streets.
- B. This Section applies to all new commercial, industrial or mixed-use structures proposed for construction, addition, or expansion adjacent to, or within 150 feet of, any parcel zoned NR-2, NR-4, NR-6, MH, or MR-9, with the exception that this requirement does not apply to those parcels that only contain non-residential structures with a building footprint greater than 5,000 square feet.
- C. Standards.
 1. Height Transition Standards. The starting height and the maximum height of a proposed structure adjacent to a residential zone is determined as follows:
 - a. Beginning at the minimum setback line of the subject property, the maximum height is equivalent to the maximum height of the adjoining residential zone, or 35 feet, whichever is less.
 - b. Additional height for the proposed structure may be added at a ratio of one additional (1) vertical foot of building height to two (2) horizontal feet of distance from the nearest setback line.
 - c. The building height transition requirement ends 150' from the adjoining residential zones. At that point, the full building height allowed in the underlying commercial, industrial or mixed-use zone may be attained.

Figure 17.12.040.C: Building Height Transition



17.12: General Development Standards: District and Corridor Zones

- d. This section does not waive or alter the maximum height requirements listed for each specific zone.
2. Setback Transition Standards. New commercial, industrial, or mixed-use development either immediately adjacent to, or directly facing (including across a public street) a residential zone shall be subject to the same front setback standard as applicable to that residential zone.
3. New commercial, industrial or mixed used buildings proposed for placement or expansion adjacent to, or across the street from, a residential zone shall maintain a front yard character similar in nature and context to that of a residential use or neighborhood.
4. When parking lots are located adjacent to residential areas, an additional parking setback of ten (10) feet with landscaping, and other screening techniques are required to produce, at the time of construction, a total screen of the parking lot from adjacent properties.



New commercial buildings in a residential context shall maintain a front yard character.



This fast food restaurant is a great example of retaining the traditional residential development patterns of its context.



When parking lots are located adjacent to residential areas, additional setbacks, landscaping, and other screening techniques will reduce the visual impact to the neighborhood.

§17.12.050. Buildable Area Extensions

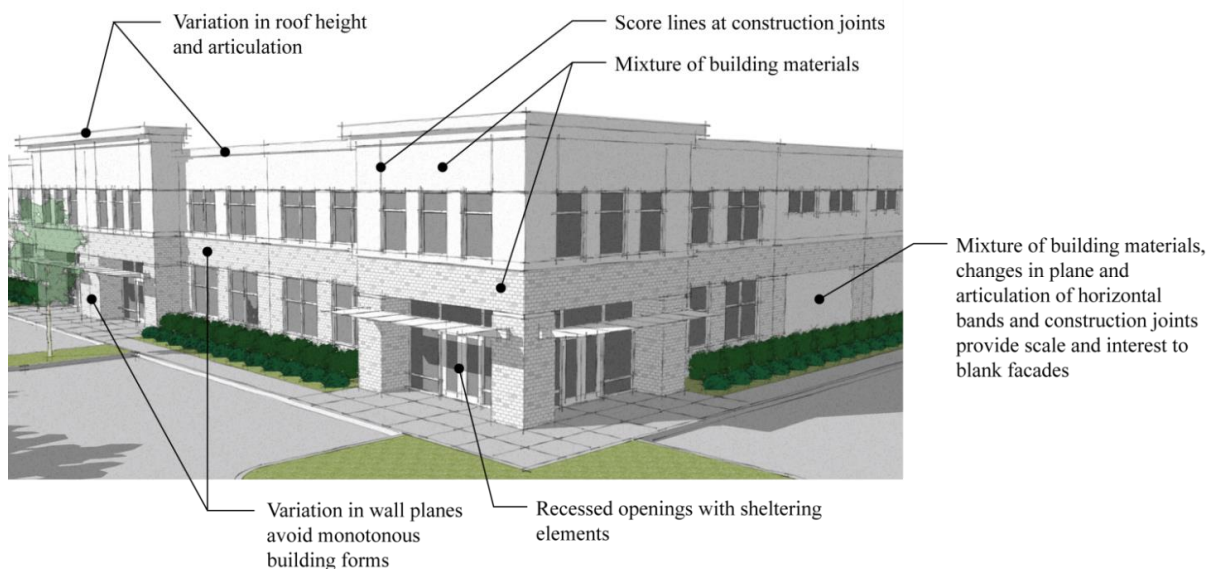
- A. The purpose of this Section is to allow, by right, certain encroachments into required setbacks, and exempting certain architectural features from required setbacks and structure height calculations. The intent is to provide flexibility in building design where certain architectural features contribute aesthetically or functionally to a building without changing its floor area, occupancy, or intensity of use. When evaluating adjustments or modifications to buildable area for consistency with the above purpose, the approval body shall consider whether the subject site has unique physical characteristics and/or whether the proposed structure has special operational or functional requirements necessitating the adjustment. Adjustments are also limited by applicable building and fire safety regulations.
- B. These provisions apply to all development within all Districts and Corridors.
- C. Standards.

17.12: General Development Standards: District and Corridor Zones

1. Eaves, balconies, stoops, stairs, overhangs, awnings, bay windows, and similar features may extend beyond the required buildable area by up to 36 inches.
2. Unenclosed porches, balconies and similar structures extending not more than 30 inches above grade shall not be counted against maximum lot coverages.
3. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, radio, microwave and television towers or antennae, theater lofts, silos, solar collectors, or similar structures may exceed height restrictions through design review provided it is not for human occupancy, and except where prohibited by Federal Aviation Regulations, part 77.

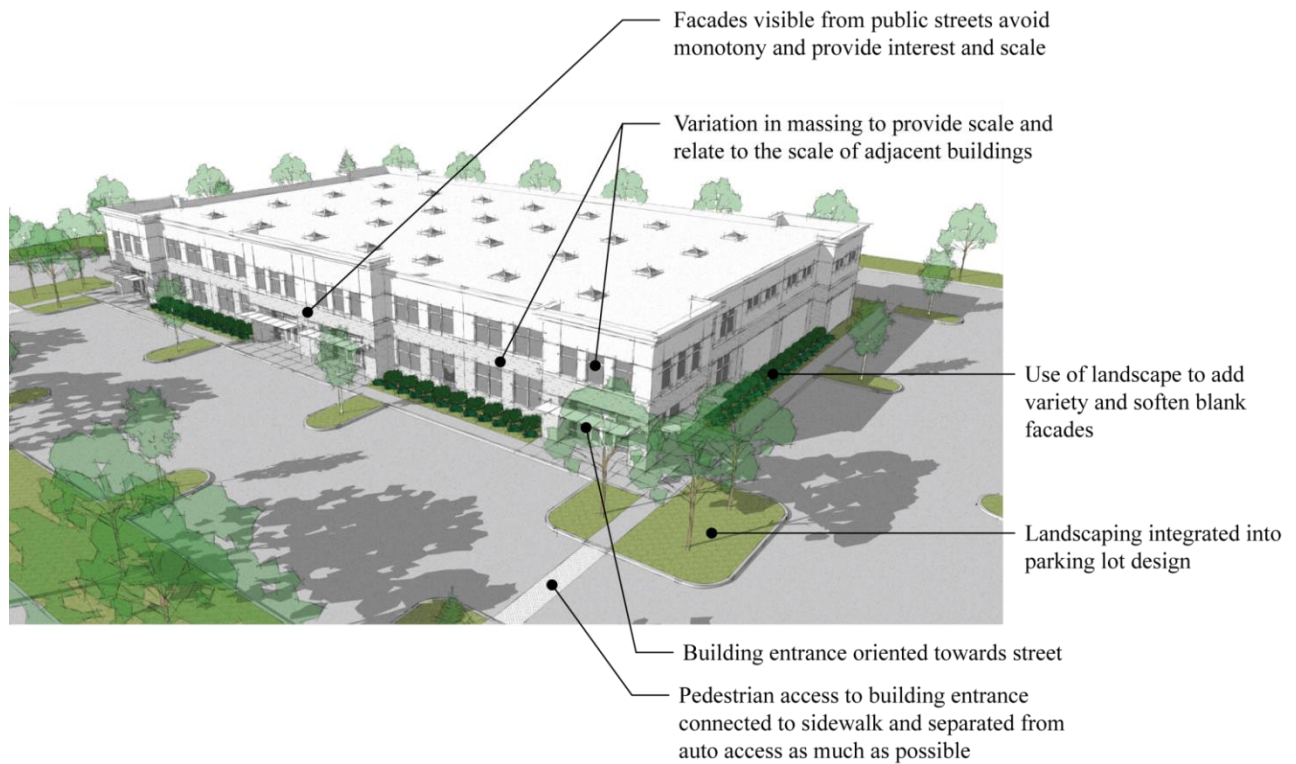
§17.12.060. Building Design Standards - Industrial Development

- A. The purpose of this Section is to promote high quality and aesthetically pleasing design and development within the Industrial and Commercial Services zones.
- B. The provisions of this Section apply to industrial development in the Industrial and Commercial Services zones. The applicability of these standards to the expansion of existing buildings may be modified or altered due to existing building configuration, site conditions, processing requirements or other technical considerations provided appropriate mitigation offsetting any identifiable impacts are identified and considered.
- C. Standards.
 1. Architectural Design.
 - a. The architectural design of new buildings and major exterior additions shall relate to neighboring buildings. While specific designs need not be duplicated, the general size, bulk, materials, and colors shall have a complimentary design relationship to other buildings in the vicinity.
 - b. Primary buildings in close proximity on the same property shall have harmonious proportions and similar architectural styles. Nearby accessory buildings shall be of a compatible design and treatment.
 - c. Variety in roof shapes and forms is encouraged to add diversity, enhance scale, and complement the features of nearby buildings. Where parapet walls are used, they shall be designed as an integral part of the building design.
 - d. Exterior design features including materials, texture, color and trim detailing shall be included on all building elevations visible to adjacent public streets.
 - e. The mixing of unrelated architectural styles, materials and details is to be avoided.
 - f. Exterior siding materials shall be masonry, plaster, wood, metal, textured concrete, or an approved alternative material. Metal clad buildings shall have baked-on enamel exterior finishes or its equivalent type of finish.
 - g. Highly reflective glass shall not cover more than fifty percent of a building surface visible from an adjacent public street.
 - h. Monotonous building forms shall be avoided by using various methods to help create interest and reduce scale. Examples include the staggering of vertical walls, recessing openings, providing upper-level roof overhangs, using deep score lines at construction joints, contrasting compatible building materials, and using horizontal bands of compatible colors. A minimum of two of these methods shall be utilized at a minimum of 40-foot intervals along facades visible from adjacent public streets.

Figure 17.12.060.C.1: Industrial Building Articulation and Detailing

- i. Ground-floor entrances on the facades visible from adjacent public streets shall include an off-set of at least four feet in depth and of a sufficient width to easily discern the location of the entrance. Examples of off-sets include recesses, extensions, or other breaks in elevation.
- j. Exterior walls shall incorporate compatible finishes and colors. Very bright, very light and very dark colors shall be used sparingly as accents, rather than as primary wall colors.
- k. Utility doors, fire doors, loading docks and other service features shall be designed to blend with the building's architecture.
2. Food Grade Manufacturing and Processing Facilities.
 - a. For facilities governed by Food & Drug Administration (FDA) or U.S. Department of Agriculture (USDA) regulations, the design provisions identified in Chapter 17.12 may be adjusted or waived for the manufacturing and/or processing components of the facility. The project proponent shall provide detailed FDA or USDA guidance and regulations regarding building design related to their specific type of food processing during the application process. The design standards enumerated above will generally not be waived for the office portion of the complex.
 - b. Landscaping requirements enumerated in Section 17.12.10.D.5 and Chapter 17.32 may also be adjusted or waived for the manufacturing and/or processing components of food grade manufacturing and processing facilities governed by FDA or USDA regulations. The project proponent shall provide detailed FDA or USDA guidance and regulations regarding landscaping design relative to their specific type of food processing during the application process. The landscaping requirements will generally not be waived for the office portion of the complex.

17.12: General Development Standards: District and Corridor Zones

Figure 17.12.060.C.2: Industrial Building Design Standards

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Chapter 17.13: Public Zones

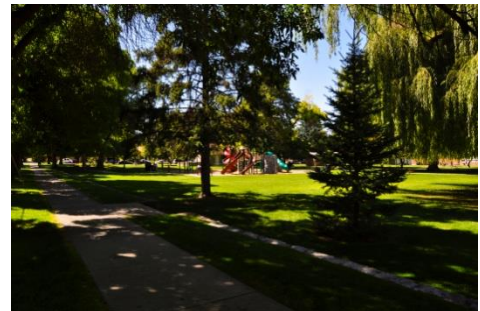
§17.13.010. Public Zones Established

The following districts are established as Public base zoning districts:

- A. Public (PUB).
- B. Recreation (REC).

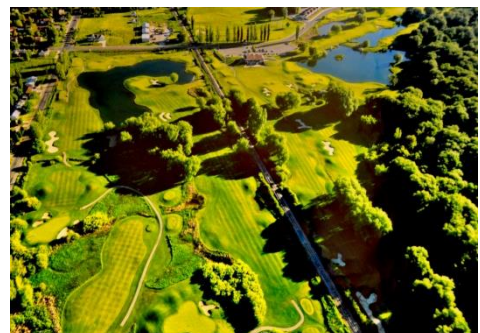
§17.13.020. Public Zone (PUB)

- A. The purpose of the Public Zone is to classify lands which are publicly owned, and on which public facilities, public schools, or other existing or identified publicly-owned facilities or uses are located. These areas serve many functions including providing opportunities for education, cultural enhancements, indoor and outdoor recreation, and general governmental functions.
- B. The Public zone is appropriate for publicly owned lands such as lands owned by public utilities, schools, Utah State University, Logan City, Cache County, the State of Utah, and other public and non-profit organizations. Utah State University properties are zoned Public; however, these state-owned lands are exempt from local zoning requirements. Private projects on University lands may be subject to City development standards and permitting requirements.
- C. The Public zone is appropriate for facilities or uses owned and managed, either by a public entity or by a non-profit entity, that are unique, may be incompatible with a wide range of uses, are very site specific in terms of their location, and because of the unique nature of their intended use, function, and purpose, do indirectly serve and benefit the broader public.



§17.13.030. Recreation Zone (REC)

- A. The purpose of the Recreation zone is to preserve and enhance public and private open, natural, and improved park and recreational areas, and to implement recreation and resource sustainability provisions of the General Plan.
- B. The Recreation zone is intended to be applied to publicly-owned parks and recreation facilities as well as publicly owned open space. The classification may also be used conditionally for privately



owned recreation facilities, such as a golf course, recreation vehicle park, or campground.

Chapter 17.14: Public Zones Uses

§17.14.010. Primary Land Uses

Table 17.14.050 lists the primary uses allowed within the Public zones.

§17.14.020. Residential Structure Types

Mobile homes and other types of dwelling units used as on-site housing for security guards or caretakers shall be allowed in the Public zones if approved in accordance with the conditional use permit procedures of Chapter 17.42. Only one such dwelling shall be allowed per lot.

§17.14.030. Accessory Uses

Accessory uses shall be permitted within Public zones if they comply with all development standards of this title. Accessory uses and structures shall not be established before the primary use or structure is established.

§17.14.040. Temporary Uses

Temporary uses shall be permitted within the Public zones for a period not to exceed twelve calendar months in compliance with the provisions of this Chapter and all development standards of this title.

Table 17.14.050: Allowed Uses in Public Zones

Land Use	Zones	
	PUB	REC
Residential Uses		
Assisted Living Center	N	N
Nursing Home, Convalescent Home	N	N
Caregiver, Certified NA or CA	N	N
Residential Treatment Programs where care, training, or treatment IS provided on-site.	N ²	N ²
Residential Group Homes for individuals with disabilities.	N ²	N ²
Residential Group Homes (communal living exceeding occupancy limits).	N ²	N ²
Dormitories, Fraternities, Sororities	C	N
Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals.	N ¹	N ¹
Institutional Uses		
Colleges, Universities, or Technical Schools	C	N
Trade, vocational, or commercial schools	C	N
Community Services	C	N
Family Day Care	C	N
Family Group Care	C	N
Commercial Day Care	C	N
Hospital	N	N

17.14: Public Zone Uses

Land Use	Zones	
	PUB	REC
Behavioral and Mental Health Receiving Center	C	N
Homeless Resource Center	C	N
Homeless Shelter	C	N
Parks and Open Areas	P	P
Religious Institutions	C	N
Safety Service	P	C
Public Schools (K-12)	State law supersedes local zoning regulations	
Private schools (K-12)	N	N
Utility Uses		
All Public and Commercial Wireless, Radio, Television, and Telecommunication Towers and Facilities.	C	C
Amateur radio towers	C	C
Utilities, basic service delivery	P	P
Utilities, distribution network	C	C
Utilities, structures, physical facilities (Regional Facilities)	C	C
Municipal water well, reservoir, or storage tank	C	C
Commercial Uses		
Major Entertainment Events	N	C
Office – general government only	P	P
Commercial Parking	C	N
Outdoor Recreation and Entertainment	C	C
Golf course	C	C
RV Parks	N	C
Tent campground	N	C
Miniature golf course and accessory recreation	N	C
Sales and service, including food service, permitted in either the Public or Recreation zones as a Conditional Use and provided they are accessory to a primary public or recreation use.	C	C
Railroad or bus passenger station	C	C
Tennis swimming or other recreation, private indoor	C	C
Theaters	N	P
Electric charging facilities for vehicles (no petroleum) in conjunction with a primary use.	P	P
Industrial Uses		
Storage yard of heavy equipment	P	P
Storage of sand, gravel, earth, stone, pipe, conduit, electrical equipment, wire, etc., or other materials related to governmental service provision	P	P
Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material	C	C
Recycling drop off containers	C	C
Enclosed Wrecking or Salvage Facilities	C	N

17.14: Public Zone Uses

Land Use	Zones	
	PUB	REC
Other Uses		
Agricultural uses and activities	P	P
Air Passenger Terminals	P	N
Detention Facilities	C	N
Alternative or Post Incarceration Facilities	N	N
Mineral Resource Production, Processing, Storage	C	C
Rail Lines	P	P

¹ One residential dwelling may be conditionally permitted for a caretaker or security personnel.² Indicates use may be allowed where State or Federal law preempts local zoning.

Chapter 17.15: Development Standards: Public Zones

§17.15.010. Purpose

- A. The purpose of this Chapter is to provide unified development standards for Logan's Public zones; to promote streamlining of development review; and to ensure consistency and provide flexibility in site design consistent with Logan's General Plan.
- B. These standards apply to all development proposals in Logan's Public zones. Some Sections may not be applicable to certain types of development, as specified by this Code. Where an interpretation of applicability is required, the Director shall make the interpretation or elevate the decision to a decision body.
- C. Design Review and Decision Criteria.
Development proposals which comply with the standards in this Chapter shall be reviewed as Track 1 Design Review decisions, in accordance with Chapter 17.43. Such projects do not involve adjustments. The standards listed in the sections below are the review criteria for Track 1 decisions. Development proposals which include one or more adjustments, and/or include requests requiring a public hearing, shall be reviewed as Track 2 Design Review decisions. Where adjustments are requested, the adjustments criteria in the sections below are the applicable decision criteria.

§17.15.020. Land Use

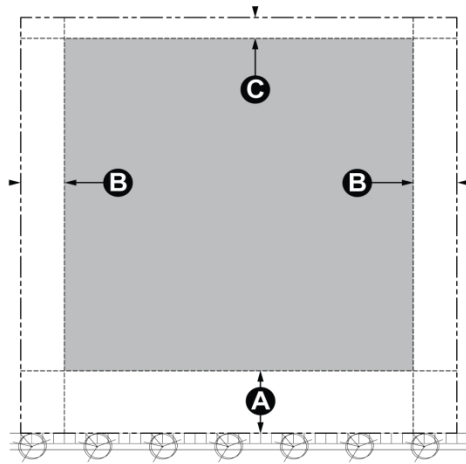
Land uses shall conform to the provisions of Chapter 17.14.

§17.15.030. Siting

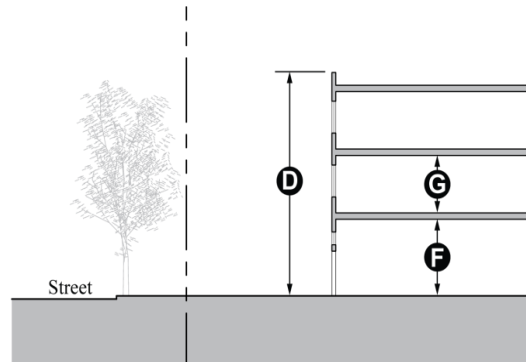
Siting standards provide for consistent setbacks along street frontages, allow for light between buildings, provide compatibility with adjacent uses, and allow for adequate vehicular parking while efficiently using land resources, consistent with the purpose of each zone.

§17.15.040. Procedures for Review and Approval

All proposed developments shall be processed and reviewed in accordance with the review and approval processes outlined in this Title.

§17.15.050. Public Zone and Recreation Zone Development Standards

Street
Site Plan Diagram



Site Plan Diagram

Residential Density

Units/acre (max) NA

Site

Lot coverage (max) 50%

Setbacks

A Front (min) 20'
B Side (min) 20'
C Rear (min) 10'
 Parking (min) 20'
 Location Rear or Side

Setbacks for Outdoor Activities Facilities – See Other Standards below

Building Form**Building Heights**

D Height (max) 35'
 See Height Exceptions.

Floor Heights

F Ground Floor (min) 12'
G Upper Floors (min) 9'

Building Design

Building design shall follow the commercial design standards in Chapter 17.12.

Land Set Asides

Not Applicable except for Recreational Vehicle Parks which require 20% open space.

Outdoor Activity Setbacks

Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting neighborhood zones. Playground facilities must be set back 25 feet from abutting neighborhood and corridor zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts an adjacent outdoor activity in another zone (e.g. a school yard in an abutting Neighborhood zone) the required setback is reduced to 10 feet.

Proximity Limitations: Homeless Shelter, Homeless Resource Center

A homeless Shelter or Homeless Resource Center shall not be located within 300' of a public or private school, park, or library.

Height Exceptions

The following may exceed the maximum height limit by ten (10) feet: water towers; utility poles; solar collectors, louvers, and reflectors; penthouse structures for elevators, stairways, HVAC facilities, or; skylights; steeples; flagpoles; chimneys; silos and barns. Utility poles, public safety facilities and recreational facilities may exceed the 45' height limit with a Conditional Use Permit.

Article IV: Overlay Zoning Districts

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Chapter 17.16: Overlay Zones Established

§17.16.010. Overlay Zones Established

- A. AL: Airport Limitation Overlay Zone, Chapter 17.17.
- B. SP: Drinking Water Source Protection Overlay Zone, Chapter 17.18.
- C. HL: Historic Landmark Overlay Zone, Chapter 17.19.
- D. HD: Historic District Overlay Zone, Chapter 17.20.
- E. GW: Gateway District Overlay Zone, Chapter 17.21.
- F. GF: Greenfield Overlay Zone, Chapter 17.22.
- G. H: Hospital Overlay Zone, Chapter 17.23.
- H. CL: Critical Lands Overlay Zone, Chapter 17.24.
- I. LF: Landfill Overlay Zone, Chapter 17.25.
- J. X: Existing lot size Overlay Zone, Chapter 17.26.
- H. PD: Planned Development Overlay Zone, Chapter 17.27.

§17.16.020. Use of Overlay Zones

A. Nomenclature.

An Overlay Zoning classification is appended to a base zoning district so that the lands are classified as Base Zoning District-Overlay District. As an example, property zoned NR-6 and located in a Historic District would be represented as NR-6-HD.

B. Multiple Overlay Districts.

Property within the City may be included in more than one Overlay District. For example, a property may be within both the Historic District and a Critical Lands area. In this case, the property would be enumerated as NR-6-HD-CL.

Chapter 17.17: Airport Limitation (AL) Overlay Zone

§17.17.010. Purpose

The Airport Limitation Overlay Zone is intended to establish standards assuring the long-range, safe and beneficial use of the Logan-Cache County Airport.

§17.17.020. Applicability

The Airport Limitation Overlay Zone is applicable to properties located adjacent to the Logan-Cache County Airport and identified as “Lands of Limited Development” in the Logan-Cache Airport Specific Plan “Comprehensive Vision Vicinity and Airport Influence Map”.

§17.17.030. Airport Zoning Commission

A. Commission Established.

1. The City of Logan Planning Commission is designated as the “Airport Zoning Commission” as prescribed in Utah code §72-10-405.
2. In this Title and State law, any references to the “Airport Zoning Commission” shall mean the City of Logan Planning Commission.
3. If the Planning Commission is empowered in this Title to take actions that are duties of the Airport Zoning Commission as prescribed in Utah law, the Planning Commission shall be presumed to be functioning as the Airport Zoning Commission.

B. Duties.

The Airport Zoning Commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Municipal Council or Utah law.

§17.17.040. Airport Land Use Appeal Board

A. Board Established.

1. The City of Logan Land Use Appeal Board is designated as the “Airport Board of Adjustment” as prescribed in Utah Code §72-10-405.
2. In this Title and State law, any references to the “Airport Board of Adjustment” shall mean the City of Logan Land Use Appeal Board.
3. If the Land Use Appeal Board is empowered in this title to take actions that are duties of the Airport Board of Adjustment as prescribed in Utah law, the Land Use Appeal Board shall be presumed to be functioning as the Airport Board of Adjustment.

B. Duties.

The Airport Board of Adjustment shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Municipal Council or Utah law.

§17.17.050. Permitted Uses

The permitted uses in the Airport Overlay Zone are as identified in each of the base zoning districts.

§17.17.060. Airport Master Plan

All uses and regulations pertaining to the Airport Limitation Overlay Zone shall be in compliance with, and subject to, the provisions of the Airport Master Plan, Airport Layout

17.17: Airport Limitation (AL) Overlay Zone

Plan, and Noise Contour Map as adopted by the Logan-Cache Airport Authority Board and is incorporated into this Chapter by reference.

§17.17.070. Regulations

- A. No variance, permit, or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.
- B. No use shall be permitted which:
 - 1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports;
 - 2. Creates or tends to create gas, smoke, dust, glare, or other visual hazard in the atmosphere around airports or in the airport hazard area;
 - 3. Creates or tends to create structures that interfere with aircraft safety; and
 - 4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.
- C. Height Limitation.
No structure may be at a height that creates or tends to create an airport hazard.

§17.17.080. Airport Development Standards

The Municipal council may adopt by resolution or enact by ordinance uniform development standards and procedures for facilities within the Airport property.

Chapter 17.18: Drinking Water Source Protection (SP) Overlay Zone

§17.18.010. Purpose

The purpose of the Drinking Water Source Protection Overlay Zone is to ensure the provision of a safe and sanitary drinking water supply for Logan City by establishing drinking water source protection zones surrounding the wellheads and springs for all wells and springs which are the supply sources for the Logan City water system or neighboring city water systems, and by the designation and regulation of property uses and conditions which may be maintained within such zones.

§17.18.020. Establishment of Drinking Water Source Protection Zones

In accordance with Utah State Regulations R309-600, the following source protection zones are hereby established:

- A. **Zone 1:** The area within 100' of radius from the wellhead or spring.
- B. **Zone 2:** The area within a 250 day groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- C. **Zone 3:** The area within a 3 year groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- D. **Zone 4:** The area within a 15 year groundwater time of travel to the wellhead or spring, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

§17.18.030. Prohibited Uses

Excepting uses legally established before the effective date of this Chapter and used continuously and in the same manner thereafter, the following uses are prohibited:

- A. Zones 1 and 2.
 - 1. Sanitary sewer lines within 150 feet of a wellhead or spring collection area;
 - 2. Underground storage tanks;
 - 3. Stormwater infiltration structures, including Class V injection wells;
 - 4. Geothermal wells;
 - 5. Application of Fertilizers, herbicides or pesticides;
 - 6. Sanitary landfills; and
 - 7. Any pollution source as defined herein or in R309-600 of the Utah Administrative Code.
- B. Zones 1, 2, and 3.

Agriculture industries including, but not limited to, intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.
- C. All Zones.
 - 1. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use);
 - 2. Hazardous waste or material disposal sites;
 - 3. Septic tanks/drainfield systems;
 - 4. Geothermal wells deeper than 30';
 - 5. Manure piles; or
 - 6. Uncontrolled salt piles.

Chapter 17.19: Historic Landmark (HL) Overlay Zone

§17.19.010. Purpose

The Historic Landmark (HL) Overlay Zone is intended to support the revitalization and productive reuse of structures and sites that hold historic, architectural, or cultural value, and which would otherwise be underutilized, dilapidated, or even demolished because the original use has become functionally obsolete. This Chapter recognizes the importance of these significant landmarks and provides a process to allow restoration and practical reuse while minimizing impacts to adjacent properties and avoiding the process of demolition and reconstruction.

§17.19.020. Applicability

This overlay zone may be applied in any zoning district if each of the following criteria are met:

1. The structure is at least fifty (50) years old.
2. The site or structure has been designated as a local or national historic landmark, or the structure is found by staff to have retained its integrity by the following characteristics:
 - a. Excellent example of type or style;
 - b. Unaltered or only minor alterations or additions;
 - c. Individually eligible for the National Register of Historic Places; or
 - d. Known for its historical significance.
3. The building, site, or structure would no longer be permitted under its current zoning designation with its present configuration including lot area, dimensional requirements or off-street parking requirements, and the building, site, or structure could not easily be retrofitted to comply with the existing criteria without variances, vacating right-of-way, purchasing adjacent property, or removing portions of the existing building.

§17.19.030. Restrictions of Zone Overlay

Because the retention of a historic building is a substantial benefit to the community, the approval of this overlay zone shall be bound to the existing historic site or structure being adaptively reused. If the site or structure is removed or destroyed, the zoning of the property shall immediately revert to the surrounding zoning district.

§17.19.040. Permitted Uses

In addition to the permitted uses in the underlying zoning district, buildings or structures within the Historical Landmark Overlay Zone may also contain the neighborhood serving commercial uses permitted in the Neighborhood Center Zone and as identified in Table 17.08.040.

§17.19.050. Additions and Site Development Requirements

Any site development, including proposed additions to the existing historic site, building or structure shall be reviewed as part of the Design Review process and shall comply with the following requirements:

1. Any addition shall not exceed 25% of the existing structure's building footprint;
2. Site design shall meet the development standards of the Neighborhood Center (NC) zone. Building Frontage and Transparency requirements may be excluded if found by the decision making body to not be in compliance with the Historic District Design Standards;

17.19: Historic Landmark (HL) Overlay Zone

3. Parking shall be determined through approval of an Alternative Parking Plan submitted as part of the Design Review process; and
4. Hours of Operation shall be determined during the Design Review process.

§17.19.060. Design Review and Approval

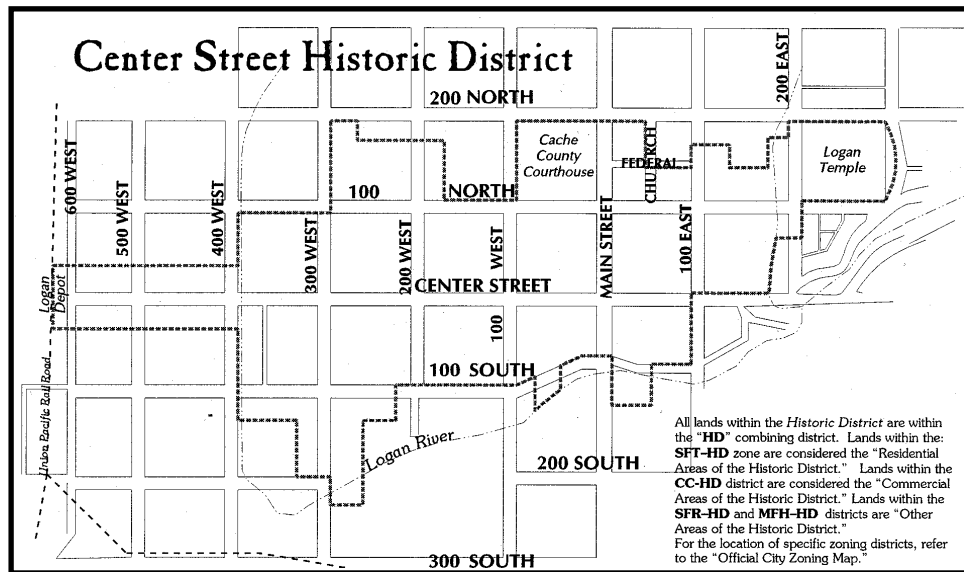
Pursuant to the approval of a Certificate of Appropriateness by the Historic Preservation Committee, proposals for this overlay zone shall be submitted as both a zone change and design review to be heard by the Planning Commission and Municipal Council.

Chapter 17.20: Historic District (HD) Overlay Zone

§17.20.010. The Historic District Overlay District, Purpose

The Historic District (HD) Overlay Zone is intended to identify those properties in the City which are included within the defined boundaries of the Logan Center Street Historic District (see Figure 17.20.020).

Figure 17.20.020: Logan Center Street Historic District



§17.20.020. Modifications of Historic District Boundaries

A. Procedure.

The Historic Preservation Committee may initiate a survey of areas adjacent to the existing Historic District to determine the appropriateness of modifying the district boundaries or may initiate a survey of other parts of Logan City to determine the appropriateness of creating additional districts. The results of the survey, as well as the proposed boundaries, shall be submitted to the State Historic Preservation Office for review and recommendation.

B. Adoption.

The Municipal Council may modify district boundaries or create additional Historic Districts upon presentation of the results of the survey and any comments from the Historic Preservation Committee and the State Historic Preservation Office. A public hearing shall be held prior to Council action. The Municipal Council may approve or deny the request for modification of the Logan Center Street Historic District.

C. Findings.

1. The district boundaries may be expanded if it is found that a concentration of historic structures or sites exist in areas neighboring current boundaries and a recommendation for expansion is received from the State Historic Preservation Office.
2. The district boundaries may be reduced if it is found that such a reduction is necessary to maintain the status of the overall district. This may occur if properties within an area of the district have ceased to meet criteria provided by the State

17.20: Historic District (HD) Overlay Zone

Historic Preservation Office and therefore threaten the overall integrity of the district.

3. Non-contiguous districts may be created if it is found that the area has a concentration of contributory historic structures or sites and a recommendation for creation is received from the Historic Preservation Committee and the State Historic Preservation Office.

§17.20.030. Recognition of Individual Structures/Sites Outside of the Logan Center Street Historic District

Individual structures and sites outside of the Logan Center Street Historic District may apply for individual nomination to the National Register of Historic Places. The State Historic Preservation Office reviews all requests for individual nomination.

§17.20.040. Design Review within the HD Overlay Zone

A. New Construction.

1. New non-residential construction within the HD Overlay Zone shall obtain a Certificate of Appropriateness and a Design Review permit prior to the issuance of a building permit.
2. New detached single family residential construction shall obtain a Certificate of Appropriateness and is not subject to design review.
3. Prior to the design review hearing, the project shall be presented to the Historic Preservation Committee for its recommendation.
4. New construction is subject to all requirements of the International Building Code, Public Works Standards and Specifications, and the development requirements of other appropriate departments.

B. Remodeling, Renovation, and Restoration.

1. Interior changes are not required to obtain a Certificate of Appropriateness and are not subject to design review.
2. Exterior changes are subject to Section 17.20.050.

§17.20.050. Certificate of Appropriateness

Most construction projects, including building demolition, within the Historic District require a Certificate of Appropriateness prior to the issuance of a building permit. Depending upon the type and scale of the proposed activity, a Certificate of Appropriateness is either issued by the Director (Track 1) or by the Historic Preservation Committee (Track 2).

A. The following types of activities shall be reviewed administratively by the Director (Track 1):

1. Fences and retaining walls.
2. Demolition or relocation of non-contributory structure.
3. Demolition of accessory structures.
4. New construction requiring a building permit that is not visible from a public right of way.
5. Door replacements.
6. Maintenance and repair of deteriorated elements which match the original design and materials.
7. Chemical cleaning and/or paint removal of masonry.
8. Installation or alteration of any exterior sign and/or awning.
9. Re-roofing if the material is proposed to be replaced by a matching or like material.
10. Installation of solar energy collection systems as outlined in the Center Street Historic District Design Standards.

17.20: Historic District (HD) Overlay Zone

11. Signs and Murals.
- B. The following types of activities require a Certificate of Appropriateness by the Historic Preservation Committee (Track 2):
 1. New Construction of principal buildings, additions, or accessory structures requiring a building permit and visible from a public right of way.
 2. Demolition or relocation of contributing structures.
 3. Exterior construction requiring a building permit and not considered a Track 1 item.
 4. Removal or replacement/alteration of architectural detailing, such as porch columns, railing, window moldings, window sash or cornices on a primary façade and is visible from the public right of way.
 5. Construction or alterations of accessory structures, such as garages and sheds, that are visible from the public right of way.
 6. Construction or alterations of porches and decks.
 7. Exterior masonry work.
 8. Installation of new siding and roof materials.
 9. Public improvements including, but not limited to streetscape features (i.e. curb, gutter, canals, etc.), public parking lots, public parks, sidewalks and trails that are located within the historic district boundary.
 10. Painting of the exterior of a masonry structure that has not been previously painted.
- C. An application for a Certificate of Appropriateness shall be made on the appropriate application and submitted to the Department of Community Development. The Director shall determine completeness of the application and whether the project may be reviewed administratively. In addition to the appropriate application form, the application shall include any documentation required by the Historic Preservation Committee.
- D. The Historic Preservation Committee may approve, conditionally approve, or deny the application after reviewing all submitted materials, considering the recommendation of the Department of Community Development, and conducting a field inspection if necessary. The Committee shall include written findings with all its decisions.
- E. Public noticing for Certificates of Appropriateness are processed under the provisions of Chapter 17.48 and the requirements of this chapter.
- F. Appeals.
 1. All administrative decisions may be appealed to the Historic Preservation Committee within 10 days following the administrative decision.
 2. Decisions of the Historic Preservation Committee may be appealed to the Land Use Appeal Board as per Chapter 17.50, or the Historic Preservation Appeal Board as per Chapter 17.20 within 30 days following the Committee's written decision.

§17.20.060. Standards for Certificate of Appropriateness

- A. The Historic Preservation Committee shall utilize the Logan Center Street Historic District Design Standards and the Secretary of the Interior's Standards for Rehabilitation as standards for project review.
- B. In issuing a Certificate of Appropriateness, the Historic Preservation Committee shall find that the project substantially complies with the standards outlined in the Logan Center Street Historic District Design Standards and the Secretary of the Interior's Standards for Rehabilitation.

§17.20.070. Signs and Murals within the Historic District Overlay Zone

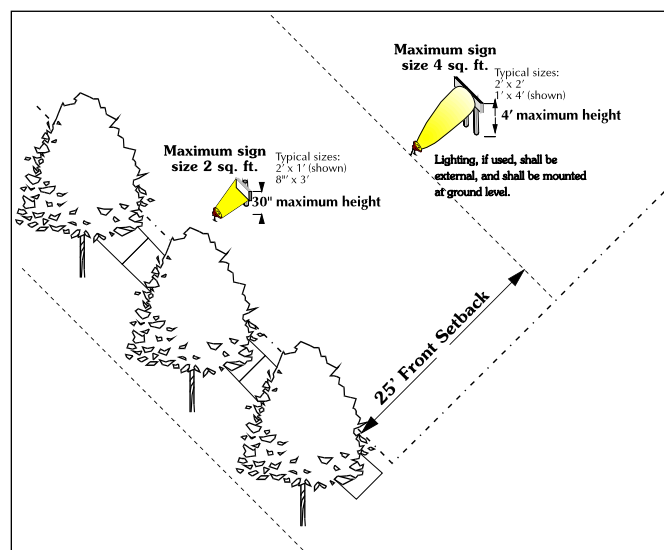
- A. Signs within Residential Areas of the Historic District Overlay Zone.

17.20: Historic District (HD) Overlay Zone

Sign requirements for businesses in the residential areas of the Logan Center Street Historic District are subject to the following standards and specifications and are exempt from the standards in Chapter 17.33, Signs.

1. Signs shall be single sided and located on private property.
 2. Signs shall be flush mounted on the structure or fence, as approved by the Department of Community Development, and shall not exceed two feet in sign area.
 3. Signs may be illuminated by a single external light source mounted in the ground. The light shall be shielded so that the source of light is not visible from adjoining properties or a street.
- B. Signs within Commercial Areas of the Historic District Overlay Zone.
1. No pole mounted signs shall be permitted within the commercial portions of the Historic District.
- C. Signs Displaying Historic Information of Site or Structure.
- Signs displaying historic information about the site or the structure are subject to the sign standards in the Logan Center Street Historic District Design Standards
- D. Murals within the Historic District Overlay Zone.
- Murals are permitted in the commercial areas of the Logan Center Street Historic District subject to the following:
1. Murals are prohibited on the primary street facing façade of a building;
 2. Murals shall be permitted on side, rear or alley walls of a commercial building that lack historic details (cornices, windows, entrances, etc.);
 3. No mural shall exceed 75% of the wall area on which it is placed;
 4. Murals are prohibited on an unpainted brick wall surface. Murals should instead be painted on removable materials such as metal, plywood, or other suitable outdoor material and anchored to the building;
 5. Murals are prohibited on a fence;
 6. Murals shall not be painted on nor shall they obscure any architectural detailing or features of the building; and
 7. Lighting of a mural is prohibited.

Figure 17.20.070.A.1: Residential Signs in the Historic District



§17.20.080. Historic Preservation Appeal Board - Purpose

The purpose of this subsection is to provide uniform appeals procedures for development related actions within the Historic District of the City.

§17.20.090. Historic Preservation Appeal Board – Standing to File An Appeal

The proponent or any affected party who participated in the hearing process may file an appeal of a decision type set forth in Subsection 17.20.120.

§17.20.100. Historic Preservation Appeal Board - Members

The Historic Preservation Appeal Board shall be comprised of the members of the City of Logan Municipal Council.

§17.20.110. Historic Preservation Appeal Board - Authority

- A. The Historic Preservation Appeal Board shall hear and decide appeals of decisions made by the Historic Preservation Committee.
- B. The Historic Preservation Appeal Board shall:
 - 1. Act in a quasi-judicial manner; and
 - 2. Serve as the final arbiter of issues involving the interpretation or application of the Center Street Historic Design Guidelines and any Certificates of Appropriateness issued by the Historic Preservation Committee subject to appeal to the Utah District Courts as provided in Section 10-9a-801 of the Utah Code.

§17.20.120 Filing Appeals

- A. All administrative appeals shall be filed in writing with the Director in the offices of the Department of Community Development within thirty calendar days of the action being appealed. An appeals application not filed in the Department of Community Development shall not constitute a filing for purposes of meeting the 30 day limit.
- B. The filing of a written appeal or request does not stay the decision of the Historic Preservation Committee. The Appellant may petition the Historic Preservation Appeal Board to stay the decision. Upon petition, the Historic Preservation Appeal Board may order the decision of the Historic Preservation Committee stayed pending review by the Historic Preservation Appeal Board.

§17.20.130 Contents of the Request for an Appeal

- A. Administrative Procedures.

The Director shall prepare administrative procedures and an application form for filing an appeal before the Historic Preservation Appeal Board.
- B. Minimum Requirements for a Request to Appeal.

At a minimum, the request for an appeal shall be filed in writing and include the following:

 - 1. The name of the person or persons filing the appeal, a mailing address and daytime telephone number;
 - 2. The project file number and the name of the project as it appeared on the agenda;
 - 3. The date of the original hearing;
 - 4. Any required appeal application fee;
 - 5. The specific issues being appealed. The appeal may not merely appeal the action of the decision-making body, but must specify how the Historic Preservation Committee erred.
- C. Incomplete Applications.

An incomplete application for an appeal shall not be accepted and shall not waive, defer, or delay the 30 day appeal deadline.

§17.20.140 Standard of Review

- A. The review by the Historic Preservation Appeal Board of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Historic Preservation Committee which is the subject of the appeal or request including written communications, the written land use decision and the written appeal or request.
- B. The Historic Preservation Appeal Board may not accept or consider any evidence outside the record of the Historic Preservation Committee unless that evidence was offered to the Historic Preservation Committee and the Board determines that it was improperly excluded.
- C. The Appellant has the burden of proving that the Historic Preservation Committee erred.
- D. The Historic Preservation Appeal Board shall determine the correctness of a decision of the Historic Preservation Committee in its interpretation and application of a land use ordinance.

§17.20.150 Staff Report Required

The appeal proceedings shall include a staff report updated from the Committee meeting with the results of the meeting and a summary of the actions or finding being appealed.

§17.20.160 Appeal Meeting

Not less than thirty (30) calendar days following the mailing of a public notice, the Historic Preservation Appeal Board shall hold a public meeting to hear the appeal. At that meeting, the Historic Preservation Appeal Board shall hear the Staff's report including a summary of the action being appealed, the testimony of the appellant, and the testimony of the proponent, if different from the appellant.

§17.20.170 Decision of the Appeal

The Historic Preservation Appeal Board shall render its decision at the meeting by majority vote of the five-member Board. If the Board overturns or modifies the action of the Historic Preservation Committee, the Board shall make findings substantiated in conformance with the requirements of procedures for the type of action being appealed. If the Board upholds the appealed action, no additional findings are required and the Board's action automatically affirms the previously adopted findings. The Board may, upon upholding the Historic Preservation Committee, add, clarify, or enhance findings based upon the facts of the appeal meeting

§17.20.180 Final Decision

A decision of the Historic Preservation Appeal Board takes effect on the date when the Historic Preservation Appeal Board issues a written decision.

Chapter 17.21: Gateway Overlay Zone

§17.21.010. Purpose

The purpose of the gateway overlay zone is to develop aesthetically pleasing, high quality, and economically functional highway entrances into Logan City by preserving important open space and vistas, emphasizing high quality building and site design, and implementing enhanced landscaped or natural areas adjacent to the highways. The gateway overlay zone recognizes that unique and sensitive site design, rather than an emphasis on uses, will promote and protect important gateway areas.

§17.21.020. Applicability

The gateway overlay zone will be applied to five unique gateway corridors discussed below, each with their own standards based on their specific or unique circumstances.

§17.21.030. North Gateway

The North Gateway is located on the north side of Logan along North Main Street and is generally built up with a mixture of commercial uses. The purpose of the North Gateway is to create a parkway entrance into Logan along North Main Street as properties and uses redevelop in response to changing market demands. This specific overlay contemplates a renewed emphasis on street trees, park strips, generous landscaping, improved pedestrian walkways, and enhanced building designs with a general orientation towards Main Street.

- A. **Boundaries.** TBD
- B. **Site Design and Development Standards.** TBD
- C. **Permitted Uses.** TBD
- D. **Prohibited Uses.** TBD
- E. **North Gateway.** TBD

§17.21.040. Northwest Gateway

The purpose of the Northwest Gateway is to provide a transition into Logan in conjunction with the implementation of the Logan-Cache Airport Area Specific Plan. Because this area is a potential growth corridor for Logan, it is important to ensure new development is compatible with the anticipated airport uses while contributing to the aesthetic quality of this unique gateway. Due to the unique qualities of the areas wetlands and natural open areas, the Northwest Gateway will have the character of a parkway entrance into the city with vistas and large planted setbacks, consistent signage and fencing, and natural plantings. Development shall be designed to utilize critical areas as project amenities where possible.

- A. **Boundaries.** TBD
- B. **Site Design and Development Standards.** TBD
- C. **Permitted Uses.** TBD
- D. **Prohibited Uses.** TBD

§17.21.050. West Gateway

The West Gateway is located along Highway 30 and provides dramatic vistas of Logan City and the eastern mountains as one enters town from the west. The purpose of the West Gateway is to provide a transition between the agricultural and natural areas to the west with the industrial, commercial, and public uses located along the west entrance to Logan. This specific area contains a large number of public uses such as the landfill, transfer station, sewage lagoons, shooting range, fish hatchery, highway maintenance yard, and the County Detention Center. The West Gateway will be characterized by enhanced setbacks,

extensive landscaping, an incorporation of natural features into the overall site design, vista preservation, and the execution of high quality design of new construction.

A. **Boundaries.** The West Gateway overlay zone includes those properties, or portions thereof, located within 300' of Highway 30 and west of 1400 West to the Logan City Limits.

B. **Site Design and Development Standards.**

1. Setbacks.
 - a. Front Yard: 50'
 - b. Side Yard: 30'
 - c. Rear Yard: 20'
 - d. Corner Yard: 30'
2. Landscaping and Screening. All yard areas shall be landscaped and maintained per Chapter 17.39.
3. Parking. Parking and loading facilities shall be located to the side or rear of the primary building and shall be sufficiently screened from Highway 30.
4. Building Height. The maximum building height defaults to the underlying zone.
5. Open Space. The project shall provide a minimum of 25% open space and 10% usable outdoor space. Natural features shall be incorporated into the open space where feasible.
6. Lot Frontage. The minimum lot width along Highway 30 is 200'.
7. Outdoor Storage. Outdoor storage within the front yard area is prohibited. All outdoor storage and service areas shall be located to the side or rear of the building(s) and shall be screened from Highway 30 using a combination of masonry walls and landscaping.
8. Signs. Pole signs and EMD's are prohibited. Only monument signs are permitted within the front yard area and shall be setback from the front property line 20'. Other signage shall be permitted as defined in Chapter 17.40.

C. **Permitted Uses.**

In addition to the range of uses permitted in the underlying zoning district, the following uses are also permitted in the West Gateway Overlay Zone:

1. Golf courses and their accessory uses.
2. Agricultural uses and structures.
3. Sales of Agricultural products grown on-site.
4. Garden shop, plant sales, or nurseries.

D. **Prohibited Uses.**

The following uses, regardless of the underlying zoning district, are specifically prohibited in the West Gateway Overlay Zone.

1. Wireless Telecommunication Facilities are prohibited within the first 200' of Highway 30.
2. Wrecking yard, junk yard, and salvage yards.
3. Single family residential dwellings are prohibited within the first 200' of State Highway 30.
4. Commercial parking lots, vehicular storage, or recreational vehicle storage.
5. Vehicle, recreational vehicle, heavy equipment, tractor trailer, and mobile home sales, service, rental, repair, or storage.
6. Sales or storage of sand, gravel, stone, rock, landscaping materials, etc.
7. Commercial storage units.
8. Mobile home parks.
9. Adult oriented businesses.
10. Concrete or asphalt batch plants.
11. Hotels, motels, and bed & breakfast establishments.

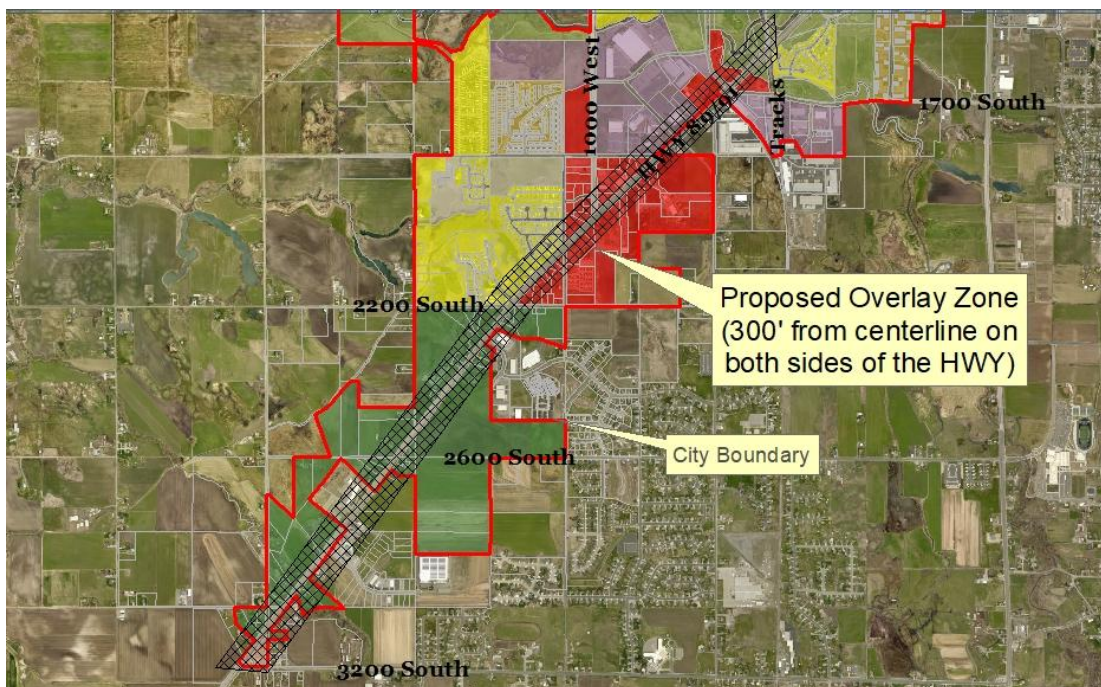
12. Group living facilities.

§17.21.060. South Gateway

The South Gateway is the City's primary front door for visitors. The purpose of the South Gateway Overlay Zone is to make a welcoming transition from the semi-rural, agricultural areas to Logan's southern commercial and mixed-use areas. Gateway standards of larger setbacks, extensive landscape, incorporation of natural lands, vista preservation, agricultural conservation and high-quality design is intended to enhance the area and give it cohesion.

A. Boundaries.

The South Gateway Overlay Zone includes those properties, or portions thereof, located within 300' of the centerline of Highway 89/91, and beginning at the Union Pacific Railroad Tracks and extending southwest to 3200 South.

**B. Commercial Nodes.**

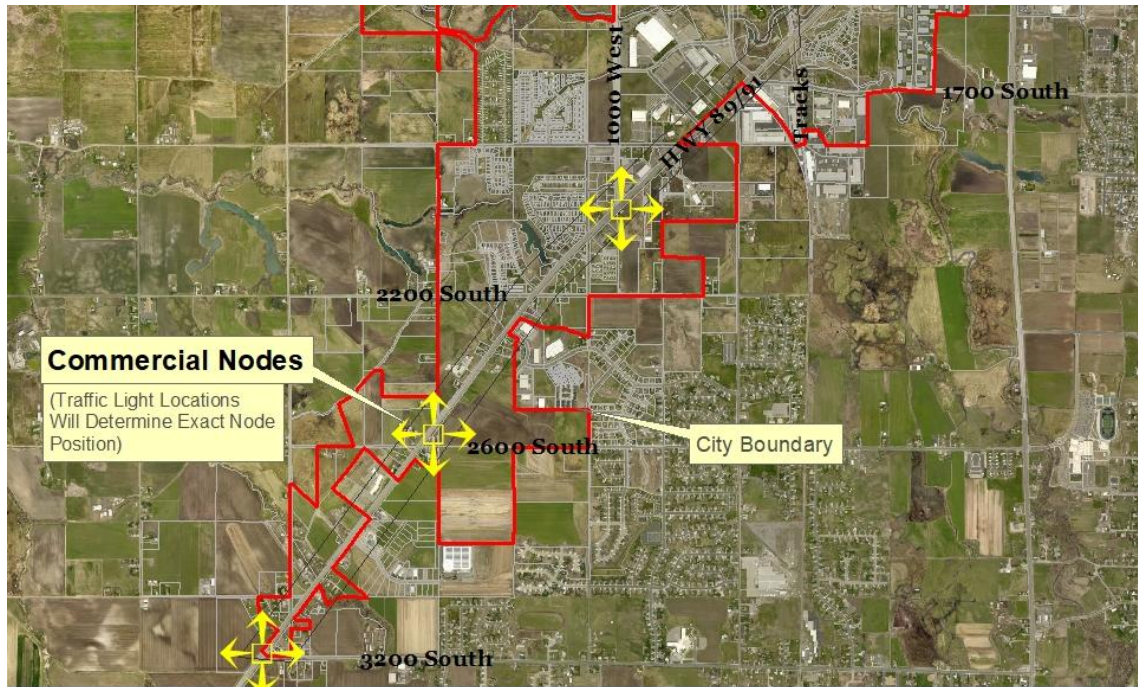
The South Gateway Overlay Zone includes four commercial nodes where commercial land uses will be clustered around a specific highway intersection either signalized or planned for future signalization. The commercial node includes all property within a 700' radius of the center of the Highway 89/91 intersection identified below:

1. 10th West and Highway 89/91.
2. 2600 South and Highway 89/91.
3. 3000 South and Highway 89/91.
4. Park Avenue/1700 South and Highway 89/91.

C. Site Design and Development Standards.

1. Setbacks for properties located adjacent to Highway 89/91.
 - a. Overlay Zone between the Union Pacific Railroad Tracks and 2200 South: all structures shall be setback at least 100' from the Highway 89/91 right of way.
 - b. Overlay Zone between 2200 South and 3200 South: all structures shall be setback at least 150' from the Highway 89/91 right of way.

17.21: Gateway Overlay Zone



2. Setbacks for properties located within a commercial node and adjacent to Highway 89/91.
 - a. 10th West and Highway 89/91 node: all structures shall be setback 50' from the Highway 89/91 right of way.
 - b. 2600 South and Highway 89/91 node: all structures shall be setback 75' from the Highway 89/91 right of way.
 - c. 3000 South and Highway 89/91 node: all structures shall be setback 75' from the Highway 89/91 right of way.
 - d. Park Avenue/1700 South and Highway 89/91 node: all structures shall be setback 50' from the Highway 89/91 right of way.
3. Setbacks for properties within the South Gateway Overlay Zone (other than setback from Highway 89/91 right of way) defaults to the underlying zone.
4. Landscaping and Screening. All yard and setback areas shall be landscaped and maintained per Chapter 17.32.
5. Parking. Parking and loading facilities shall be located to the side or rear of the primary building and shall be sufficiently screened from Highway 89/91.
6. Building Height. The maximum building height defaults to the underlying zone.
7. Open Space. Any project within the South Gateway Overlay Zone shall provide a minimum of 25% open space. Natural features shall be incorporated into the open space where feasible.
7. Lot Frontage. The minimum lot frontage along Highway 89/91 is 100'.
8. Outdoor Storage. Outdoor storage within the front yard is prohibited. All outdoor storage and service areas shall be located to the side or rear of the building(s) and shall be sufficiently screened from Highway 89/91.
9. Signs. Pole signs and EMD's are prohibited within the South Gateway Overlay Zone. Only wall and monument signs are permitted, and in addition to the minimum sign standards contained in Chapter 17.33, monument signs shall be setback at least 50' from the highway right of way.

17.21: Gateway Overlay Zone

10. Fencing. Chain link and/or razor wire is prohibited within the South Gateway Overlay Zone.

D. Permitted Uses.

In addition to the range of uses permitted in the underlying zoning district, the following uses are also permitted in the South Gateway Overlay Zone:

1. Golf courses and their accessory uses.
2. Agricultural uses and structures.
3. Sales of Agricultural products grown on-site.
4. Garden shop, plant sales, or nurseries.

E. Prohibited Uses.

The following uses, regardless of the underlying zoning district, are specifically prohibited in the South Gateway Overlay Zone.

1. Wireless Telecommunication Facilities are prohibited within the first 100' of Highway 89/91.
2. Wrecking yard, junk yard, and salvage yards.
3. New single family residential dwellings are prohibited within the first 100' of Highway 89/91.
4. Commercial parking lots.
5. Vehicle, recreational vehicle, heavy equipment, tractor trailer, and mobile home sales, service, rental, repair, or storage.
6. Sales or storage of sand, gravel, stone, rock, landscaping materials, etc.
7. Commercial storage units.
8. Mobile home or Recreational Vehicle (RV) parks.
9. Adult oriented businesses.
10. Concrete or asphalt batch plants.
11. Group living facilities.
12. Contractors' storage yards.
13. Waste related uses.
14. ATV, Motorcycle or Snowmobile sales, service and rentals.

§17.21.070. East Gateway

This gateway area, at the mouth of Logan Canyon, will be very carefully designed to emphasize the transition from the canyon's rugged and beautiful landscape to the low-density edge of east Logan. The vistas from this gateway are outstanding and shall not be interrupted. The East Gateway includes the edge of Utah State University which also announces a welcome to Logan. Currently, a majority of the property within the East Gateway is public or quasi-publicly owned.

A. Boundaries. TBD

B. Site Design and Development Standards. TBD

C. Permitted Uses. TBD

D. Prohibited Uses. TBD

§17.21.080. Design Review and Approval

Proposed development projects shall be reviewed as per the review and approval processes outlined in this Title.

Chapter 17.22: Greenfield (GF) Overlay Zone

§17.22.010 Purpose

The Greenfield (GF) Overlay Zone is intended to provide for complete residential neighborhoods containing a mixture of residential uses, churches, schools, parks, trails, employment opportunities and commercial developments in undeveloped areas. The Greenfield Overlay Zone will provide landowners and the City an opportunity to develop large tracts of lands into complete neighborhoods providing a wide range of housing diversity, recreational amenities, and economic opportunities for new residents while incorporating natural areas into the overall project design.

§17.22.020 Greenfield Overlay Zone Established

The Greenfield Overlay Zone implements the Logan General Plan's concept for the development of greenfields and will help ensure that undeveloped properties within the City are planned for more complete neighborhood developments. These developments are intended to be viable and sustainable residential neighborhoods containing a mix of uses, housing densities and types catering to local neighborhoods. Greenfield areas may include commercial uses provided they are sized to match the overall scale of the project. The intent behind the Greenfield Overlay zone is to encourage a mixture of uses within, or adjacent to, the new neighborhoods in order to reduce overall impacts to the City's infrastructure, and provide opportunities for residents to work, live and play closer to home.



§17.22.030 Greenfield Overlay Zone Application

The Greenfield Overlay Zone is applicable within any of the residential zones on property in excess of 40 acres.

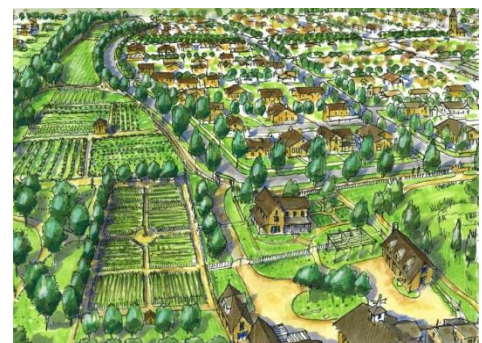


§17.22.040 Specific Plan Requirements

In order to apply the Greenfield Overlay Zone, a Specific Plan shall be prepared by the proponent, in conjunction with the City, and adopted as part of the overlay rezone by the Municipal Council.

The adopted Specific Plan will serve as the guiding document for properties with a Greenfield Overlay, ensuring implementation of the concept at the site-specific level. Specific Plans for GF properties shall include the following:

- A. A street system consistent with Logan's policies to extend the city's grid into newly developed areas.
- B. A connected system of blocks, mini-blocks and off-street pedestrian ways.
- C. Land uses and design supportive of existing and future transit accessibility.



17.22: Greenfield (GF) Overlay Zone

- D. Appropriately scaled mixed use development providing neighborhood level shopping and services that are located within an approximate 5-10 minute walk for neighborhood residents.
- E. A variety of residential densities and housing choices.
- F. A variety of housing types and lots sizes within each density category, to add visual interest and avoid a repetitious sprawl pattern.
- G. The integration of parks, open spaces, trails and community facilities such as schools into the overall project design.
- H. The protection, restoration and enhancement of existing environmental resources, such as wetlands.
- I. Environmental areas planned as amenities to the neighborhoods.
- J. Design standards consistent with this Code's requirements for complete and walkable streets, building orientation, architectural detailing, and all other quality design requirements.
- K. New design standards as necessary to foster innovative and sustainable development practices provided they meet or exceed the performance of Logan's adopted base standards.

Chapter 17.23: Hospital (H) Overlay Zone

§17.23.010. Purpose

The Hospital (H) Overlay Zone is intended to identify lands within the City that are appropriate for Regional Medical Centers and/or Hospitals, and to promote quality design consistent with General Plan policies and Land Development Code requirements by allowing for modifications to the base zone's building height standards. The Hospital Overlay Zone may be applied to any zone except the Neighborhood Residential zones.

§17.23.020. Permitted Uses

The permitted uses in the Hospital Overlay Zone are in accordance with the allowed uses of the base zone within which the Hospital Overlay Zone is applied.

§17.23.030. Application of the Hospital Overlay Zone

The maximum height of the base zone may be modified with the Hospital Overlay Zone subject to the following:

- A. The maximum height allowed under the Hospital Overlay Zone is 80';
- B. A Conditional Use Permit is required for any proposal is excess of the maximum height of the base zone; and
- C. The height transition standards outlined in the Land Development Code are applicable to projects within the Hospital Overlay Zone.

Chapter 17.24: Critical Lands (CL) Overlay Zone

§17.24.010 Purpose

The purpose of this Chapter is to provide for the safe, orderly and beneficial development of areas characterized by development hazards and valuable natural conditions while limiting the substantial alteration and degradation of such areas and include the following Critical Lands:

- A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer and as defined in Logan Municipal Code 15.27 (Flood Damage Prevention Ordinance).
- B. Riparian Areas. Lands adjacent to the Logan River, Blacksmith Fork, Spring Creek, the North Branch of the Logan River (Little Logan River), and any stream, river or manmade water course regulated by the Utah State Engineer's Office or the Utah State.
- C. Geologically Unstable Areas. Lands that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), in proximity to Quaternary Faults, susceptible to debris flows, containing soils unsuitable for development, and susceptible to a high water table.
- D. Wildland Urban Interface. The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels. (Lands with potential of wildfire as determined by the Logan City Fire Chief.)
- E. Lands above 4,850'. Residential building lots located on the eastern bench of Logan City at an elevation at or above 4,850' mean sea level.
- F. Wetlands. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal wetland delineation and approved by the U.S. Army Corps of Engineers.

§17.24.020 Review Process

- A. For project sites containing one or more Critical Lands, compliance with the development requirements of this Chapter shall be applied during the underlying regulatory and review processes outlined in Chapter 17.39.
- B. Application Process. Any application for project approval which contains a specific Critical Land as defined in this Chapter shall submit a Critical Lands Analysis performed by qualified professionals licensed in the State of Utah that identifies and addresses the following:
 1. Floodplains. A delineation prepared by a Professional Engineer licensed in the State of Utah of the 1% Special Flood Hazard Area (also referred to as the 100 year floodplain) and, if applicable, the 0.2% Special Flood Hazard Area (also referred to as the 500 year floodplain) boundaries as depicted on the latest FIRM maps including Base Flood Elevations (BFE), and a delineation of any previous flood events, including highest known flood elevations, on the site. If work is proposed to be completed in the Special Flood Hazard Area, provide a floodplain permit, no risk certification, and relevant information and application for FEMA permits as may be required.
 2. Riparian Areas. A delineation and description of the riparian corridor that includes the Ordinary High Water Mark, top of bank, a description and condition of the existing vegetative cover in the corridor, and any natural or manmade drainages that traverse the riparian corridor.
 3. Geologically Unstable Areas. A geologic engineering report prepared by a Professional Engineer licensed in the State of Utah that complies with the

17.24: Critical Lands (CL) Overlay Zone

requirements of Section 17.24.070. Additional Geotechnical analysis may be required with the building permit application.

4. Wildland Urban Interface. A Fire Prevention and Control Plan shall be submitted if a project site is in a Wildfire Threat Area as designated by the Logan City Fire Department.
5. Lands Above 4,850. An engineering report prepared by a Professional Engineer analyzing the site's slope characteristics and any anticipated cuts & fills both pre and post construction; and a report and/or plans prepared by a Licensed Architect that complies with the site and building design requirements of this Chapter.
6. Wetlands. A wetland delineation conducted using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.

§17.24.050 Development Standards for Floodplains

The City's Policy regarding new development within a designated floodplain is that all new development including, but not limited to, road construction, site preparation, building construction, etc., shall avoid building, constructing, grading, and filling in a delineated special flood hazard zone. All development shall comply with the applicable regulations and standards of the National Flood Insurance Program (NFIP), the most current effective Flood Insurance Study (FIS), the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer, and the City's Flood Damage Prevention Ordinance contained in Logan Municipal Code Chapter 15.27.

§17.24.060 Development Standards for Riparian Areas

The purpose of these standards and requirements are to preserve and enhance riparian areas by protecting them from adverse effects and potentially irreversible impacts caused by development activities. All riparian areas shall be clearly delineated on the ground during construction and shown on preliminary and final development plans.

A. General standards and requirements for Riparian Areas.

1. Setbacks. All structures, development, uses, and new road construction shall be setback from the Ordinary High Water Mark (OHWM) as follows:
 - a. Residential Structures: The setback shall be the greater of either 40' from the OHWM or a distance from the OHWM that is equal to an average of the existing riparian setbacks of the two nearest residential structures, whether on or off site.
 - b. Road Construction: 25'.
 - c. All other Structures, Uses and Development: 40'.
 - d. New structures, development, uses, and road construction within areas proposed for annexation into Logan City shall include a minimum setback of 100' from the OHWM of all riparian areas defined in this Chapter.
 - e. Any property adjacent to the Logan River and the North Branch of the Logan River (Little Logan) requesting annexation into Logan City shall include a provision for the dedication of a public conservation and trail easement on all lands within 100' of the OHWM of these two water bodies.
2. No more than 50% of the land area within the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc.
3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.
4. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are permitted.

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5. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a riparian area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary High Water Mark (OHWM).
6. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored within 60 days of disturbance.
7. Additions, alterations, rehabilitation, or replacement of existing structures or developments that do not increase the existing structural footprint in the riparian area are permitted provided the disturbed areas are restored within 60 days of disturbance.
8. Additions, alterations, rehabilitation, expansions or replacement of existing structures, developments, uses, roadways, utilities, or driveways that will increase the existing footprint in the riparian area (degree of non-conformity) may be expanded with a Conditional Use Permit as permitted in Chapter 17.52 "Legally Existing Nonconformities" except for the following:
 - a. Any proposed construction or expansion that is located only on the landward side of the existing improvements and away from the OHWM is not required to obtain a Conditional Use Permit.
9. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
10. Parks and Recreational facilities are permitted within a riparian area.
11. The installation of underground utilities are permitted within a riparian area provided all disturbed areas are restored within 60 days of disturbance.
12. The construction, expansion or replacement of public or private bridges are permitted within a riparian area subject to permitting from relevant regulatory entities.

§17.24.070 Development Standards for Geologically Unstable Lands

- A. Geologically Unstable areas are extremely sensitive to development, and because surface disturbance such as grading, filling, or vegetation removal has a high potential to threaten life or property, development in these areas should be avoided.
- B. Project approval within a geologically unstable area shall only be allowed after an engineering geologic study, completed by a Professional Engineer and approved by the City Engineer and Director, establishes that the site is stable for the proposed use and development. At a minimum, the study shall include:
 1. Index map.
 2. Project description to include location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.
 3. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
 4. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 5. Suitability of site for proposed development from a geologic standpoint.
 6. Specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
 7. If deemed necessary by the engineer or geologist in order to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing sub-surface structure, graphic logs with subsurface exploration, and results of laboratory test and references.

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8. Signature and registration number of the engineer and/or geologist licensed as professional engineer in the State of Utah.
9. Additional information or analyses as necessary to evaluate the site.
- C. Prohibited Actions. Notwithstanding any other provision of Logan City Ordinances, it shall be unlawful to clear, "grub," grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation due to the following:
 1. Historic high groundwater table;
 2. Surface water;
 3. Expansive soils;
 4. Collapsible soils;
 5. Proximity to a potential landslide area;
 6. Proximity to a Quaternary Fault;
 7. Proximity to an alluvial fan;
 8. Proximity to an active landslide; or
 9. Any other unsafe condition, as determined by the City.
- D. All permitted development that removes vegetation or disturbs topsoil and leaves the disturbed soil at a slope of thirty (30) percent or more shall comply with the following standards:
 1. Any exposed soil shall be revegetated in a manner to reestablish a vegetative cover within a one year period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species that can survive without irrigation.
 2. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained on areas that have been disturbed.
 3. These restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
- E. Cuts and Fills.
 1. All cuts and/or fills involving more than two hundred fifty cubic yards of material must be designed by an engineer to comply with applicable building codes and requirements of this Chapter.
 2. If the excavation is not a dedicated street or a public right-of-way, the engineer shall certify that the permitted work was constructed to plans and meets all standards set forth in the approved plans.
 3. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval.
- F. Any development that is proposed in a Geologically Unstable area shall be identified on a preliminary site plan at the time of application for review and shall be clearly identified on the final development plan or final plat map prior to final review and approval.
- G. All structures in a Geologically Unstable area shall have foundations designed by an engineer.
- H. All newly created lots, or lots modified by a property line adjustment or plat amendment, shall identify specific building envelope on each lot that contains sufficient buildable area outside any erosive or unstable areas able to accommodate the anticipated uses. The creation of a lot for open space or conversation purposes is exempt from this requirement.

§17.24.080 Development Standards for Lands with Wildfire Threats**A. Requirements for Subdivisions.**

1. A Fire Prevention and Control Plan shall be submitted with any application for approval of a development or preliminary plat which contains Wildfire Threat Areas as designated by the Logan City Fire Department.
2. The Director shall forward the Fire Prevention and Control Plan to the Fire Chief for review and comment.
3. The Fire Prevention and Control Plan shall include the following items:
 - a. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
 - b. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation;
 - c. A map of the areas that are to be thinned to reduce the interlocking canopy of trees;
 - d. A tree management plan showing the location of all trees that are to be preserved and removed on each lot. In the case of heavily forested parcels, only trees scheduled for removal shall be shown;
 - e. The areas of primary and secondary fuel breaks that are required to be installed around each structure, as required by this section; and
 - f. The location and slope of all roads and driveways serving the project site sufficient for emergency vehicle access and fire suppression activities.
4. Approval Criteria. In consultation with the Logan City Fire Chief, the decision making body shall approve the Fire Prevention and Control Plan when, in addition to the findings required by this chapter, the additional finding is made that the wildfire hazards present on the property have been reduced to a reasonable degree, balanced with the need to preserve and/or plant a sufficient number of trees and plants for erosion prevention, wildlife habitat, and aesthetics.
5. The decision making body may require, through the imposition of conditions attached to the approval, the following requirements as deemed appropriate for the development of the property:
 - a. Delineation of areas of heavy vegetation to be thinned and a formal plan for such thinning;
 - b. Clearing of sufficient vegetation to reduce fuel load;
 - c. Removal of all dead and dying trees; or
 - d. Relocation of structures and roads to reduce the risks of wildfire and improve the chances of successful fire suppression.
6. The Fire Prevention and Control Plan shall be implemented during the installation of the public improvements required of a subdivision and shall be considered part of the subdivider's obligations for land development. If a subdivision is not involved, the Plan shall be implemented prior to the issuance of any building permits. The Fire Chief, or designee, shall inspect and approve the implementation of the Fire Prevention and Control Plan.
7. In all new residential developments, provisions for the perpetual maintenance of the Fire Prevention and Control Plan shall be included in the covenants, conditions and restrictions for the development.

B. Requirements for construction of all structures.

1. All new construction and any construction expanding the size of an existing structure shall have a fuel break as defined below.
 - a. A "fuel break is defined as an area which is free of dead or dying vegetation, and has native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation. Where necessary for erosion

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- control or aesthetic purposes, the fuel break may be planted in slow burning species. Fuel breaks do not involve stripping the ground of all native vegetation.
- b. **Primary Fuel Break.** A primary fuel break will be installed, maintained and shall extend a minimum of 30 feet in all directions around structures, excluding fences, on the property. The goal within this area is to remove ground cover that will produce flame lengths in excess of one foot. Such a fuel break shall be increased by five feet for each ten percent increase in slope over ten percent.
 - c. **Secondary Fuel Break.** A secondary fuel break will be installed, maintained and shall extend a minimum of 100 feet beyond the primary fuel break where surrounding landscape is owned and under the control of the property owner. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire is reduced through fuels control.
- 2. All structures shall be constructed or re-roofed with Class B or better non-wood roofing materials, as determined by the International Building Code. No structure shall be constructed or re-roofed with wooden shingles, shakes, wood-product material or other combustible roofing material, as defined in the building ordinance.
- C. Fuel breaks in areas which are also highly erosive or steep slopes shall be included in the erosion control measures outlined in this Chapter.

§17.24.100 Development Standards for Lands above 4,850’.

- A. The purpose of this section is to protect the scenic quality of Logan City by ensuring that future development located above an elevation of 4,850’ (elevation datum established by City Engineer) is compatible with existing, developed areas as well as existing landforms, including significant ridgelines, hillside areas and viewsheds found on the eastern benches of Logan. The intent of this Chapter is to:
 - 1. Implement hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from public roads, parks, and adjoining residential development;
 - 2. Protect and preserve views of significant ridgelines;
 - 3. Minimize cut and fill, earthmoving, grading operations and other man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
 - 4. Promote site sensitive design and architecture compatible with hillside terrain and which minimizes any negative visual impacts from public roadways, parks, and adjoining residential areas.
- B. General Requirements for Development above 4,850’.
 - 1. All final grades shall be:
 - a. Consistent with the existing landscape to the greatest extent possible by avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
 - b. Contoured to resemble existing terrain by varying slope increments and by breaking the visual surface of banks and inclines both vertically and horizontally; and
 - c. Constructed to allow for the creation of berms or mounding at the top of slopes, and in other locations, for the screening of structures and to facilitate proper site drainage.
 - 2. Design, height and massing of new development above 4,850’ shall:

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- a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
 - b. Be low in height, conform with hillside topography by stepping or staggering the mass of the proposed building up or down slope, and avoid flat pad construction and vertical massing;
 - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
 - d. Utilize construction materials, glass, roofing, fencing and other surfaces that are of a non-reflective nature; and
 - e. Utilize a variety of building and structural elements such as articulated walls, cornice detailing, reveals, alcoves, building projections, trellises, landscaping or other features which are appropriate to the scale of the building, and which serve to break up continuous building walls;
3. Roadways, driveways and utility alignments shall be:
 - a. Located to minimize grading by following existing contours;
 - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land, rather than using straight lines and excessive cuts and fills; and
 - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
 4. Landscape planting and vegetation preservation shall:
 - a. Incorporate trees planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
 - b. Maintain vegetation lines which convey the existing slope of the hillside;
 - c. Preserve native vegetation, including grasses and open space, whenever possible;
 - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;
 - e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding; and
 - f. Be landscaped in such a manner that reduces the potential fire hazard while creating a minimum defensible space.
 5. Exterior and landscape lighting applications shall be:
 - a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
 - b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare; and
 - c. Sized with the minimum wattage necessary to meet desired application.

§17.24.110 Development Standards for Wetlands

The purpose of these standards and requirements are to preserve and enhance wetlands by protecting them from adverse effects and potentially irreversible impacts caused by development activities.

- A. Applicability. These requirements only apply to formally delineated wetlands determined by the U.S. Army Corp of Engineers to be waters of the United States as regulated under Section 404 of the Clean Water Act. Delineated wetlands that are considered by the U.S. Army Corp of Engineers to not be waters of the United States are not regulated under this Section.

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- B. All wetlands shall be clearly delineated and shown on the preliminary development plans. The wetland delineated shall be conducted using the current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and shall be completed by an individual certified by the U.S. Army Corp of Engineers as a wetland specialist and reviewed by the City Engineer and Director.
- C. Prohibited Activities. No person shall disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, within wetlands and their respective Setbacks, except as may be expressly allowed herein.
- D. Setbacks.
 - 1. The setbacks for all development adjacent to a delineated wetland shall extend 50' as measured landward from the delineated wetland Ordinary High Water Mark (OHWM) and shall be shown on the preliminary development plans.
 - 2. The setback for all development adjacent to an irrigation ditch or canal that meets the U.S. Army Corp of Engineers definition for water of the United States shall extend a minimum of 20' from the Ordinary High Water Mark.
- E. Land Disturbance in the Setback Area. No more than 20% of the land area within this setback area may be disturbed, including grading, clearing, grubbing, tree removal, revegetation, landscaping, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented. Mitigation plans involving wetland creation, restoration or enhancement authorized in conjunction with a U.S. Army Corp of Engineers permit approval are exempt from this restriction.
- F. Wetland Disturbance. No activity will be permitted which disturbs, fills, dredges, clears, destroys, or alters any water, soils and vegetation within delineated wetlands as set forth in this Section, unless approved in writing by the U.S. Army Corp of Engineers (Corp Permit). A copy of the USACE permit approval shall be provided to Logan City.
- G. Transfer of Density and Development Rights. The density permitted by the underlying zone within the area of the wetlands and/or wetland setback areas may be relocated elsewhere on the same property provided the overall gross density of the entire site is not exceeded.
- H. General standards and requirements for all Wetlands and Wetland Setback Areas as listed below are also subject to approval by the U.S. Army Corp of Engineers.
 - 1. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development are authorized subject to the limitations in Chapter 17.52.
 - 2. Stream, wetland, riparian and upland enhancement or restoration projects approved by Logan City are authorized under this Chapter.
 - 3. Continuous and on-going farming practices, farm uses, and the pasturing of livestock are permitted within a wetland or wetland setback area. All new farming practices, farm uses, cultivation, livestock grazing and building construction shall be setback at least 50' from the Ordinary High Water Mark of the delineated wetland.
 - 4. Existing utilities may be maintained and/or replaced within a wetland or wetland setback area provided any disturbed areas are restored.
 - 5. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the wetland or wetland setback area are permitted provided the disturbed areas are restored using native vegetation.
 - 6. Measures to remove or abate nuisances, or any other violation of State Statute, administrative agency rule, or City ordinance are authorized under this Chapter.
 - 7. Stormwater retention or detention facilities are prohibited in all wetlands or wetland setback areas.

§17.24.120 Reasonable Use Exception

If a landowner believes application of the provisions of this Chapter would deny all reasonable economic use of the owner's property, the owner may request a reasonable use exception pursuant to this subsection. A request for a reasonable use exception shall be made to the Director and shall include the basis for the owner's reasonable use exception request and any information which the Director deems relevant to the request. Expectations of future development plans are not considered a reasonable economic use. A reasonable use exception will be reviewed by the Planning Commission according to the Track II procedures contained in Chapter 17.48. A reasonable use exception may be approved if all of the following are met:

- A. The application of the provisions of this Chapter would deny all reasonable economic use of the land.
- B. No other reasonable economic use of the land would have less impact on the specific Critical Land.
- C. The impact to the Critical Land resulting from granting the reasonable economic use request is the minimum necessary to allow for reasonable economic use of the land.
- D. The inability of the applicant to derive reasonable economic use of the land is not the result of actions by the applicant or the applicant's predecessor.
- E. The reasonable economic use exception mitigates the loss of, or damage to, the Critical Land functions to the extent reasonable feasible under the facts of the application.
- F. The reasonable economic use exception only authorizes a permitted or conditional use authorized by the underlying zoning district and conforms to other applicable requirements of this title to the extent reasonably feasible under the facts of the application.
- G. The applicant shall have the burden of providing evidence to support a reasonable economic use exception.

Chapter 17.25: Landfill (LF) Overlay Zone

§17.25.010. Purpose

The purpose of the Landfill (LF) Overlay Zone is to regulate future land uses adjacent to the Logan City landfill in order to protect the public health, safety and welfare.

§17.25.020. Applicability

The Landfill (LF) Overlay zone is applicable to all properties within a ¼ mile radius of the current Logan City landfill boundaries.

§17.25.030. Uses

The underlying base zoning shall determine what uses are permitted, conditionally approved, or prohibited within the Landfill (LF) overlay zone subject to the modifications identified in Sections 17.25.040 and Sections 17.25.050.

§17.25.040. Permitted Uses

In addition to the allowed uses identified within the underlying zones, the following uses are also permitted in the Landfill (LF) Overlay Zone:

1. Golf courses.
2. Agricultural uses and structures.
3. Processing of agricultural products grown on-site.
4. Sales of agricultural products grown on-site.
5. General sales and service of agricultural related products, equipment or machinery.
6. Garden shop, plant sales, or nursery.

§17.25.050. Prohibited Uses

The following uses are prohibited in the Landfill (LF) Overlay Zone:

1. Single family or multi-family residential dwellings.
2. Mobile home parks.
3. Residential occupancy or group living facilities.
4. Child or family day care, commercial day care or preschools.
5. Adult oriented business.

§17.25.050. Design Review and Approval

Proposed development projects shall be reviewed as per the review and approval processes outlined in this Title.

Chapter 17.26: Existing Lot Size (X) Overlay Zone

§17.26.010. Purpose

The “X” Overlay Zone is intended to identify lands that the City has found to be subdivided to the smallest size meeting the City’s General Plan goals and policies. The “X” Overlay District shall also be intended to identify lands from which development density has been transferred.

§17.26.020. Use of the “X” Overlay District

The City shall include lands within the Existing Lot Size Overlay District as a zoning action when approving a subdivision or other project that uses all development density for the subject property. The “X” Overlay Zone shall be used in any of the following situations:

- A. The X district shall incorporate lands that the City has determined shall not be further subdivided.
- B. The X district shall incorporate lands from which the City has approved the transfer of density from the subject property to other property within the City.
- C. The X district shall incorporate lands that the City has approved as common area, open space, private open space, or for other non-development purposes as a part of a project approval.

§17.26.030. Exemption

The “X” Overlay Zone shall not apply on those properties within the Logan City Center Street Historic District that contain one tax parcel at least 1.50 acres in size with at least 220 feet of continuous frontage on a public street. Said parcel is entitled to a maximum of two additional building lots each containing a minimum of 60’ of frontage on a public street and consistent with the underlying zoning requirements and minimum subdivision standards.

Chapter 17.27: Planned Development (PD) Overlay Zone

§17.27.010 Purpose

The purpose of the Planned Development (PD) Overlay Zone is to allow for flexibility in the application of the City's zoning regulations and development provisions in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning designations. The intent of the Planned Development Overlay Zone is for use primarily where no existing zoning district is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties.

§17.27.020 Applicability

The PD Overlay Zone may be applied to specific circumstances or types of projects that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. Such circumstances may include, but are not limited to, improvements in open space and amenities, environmental and resource preservation, improved infrastructure efficiency, exceptional and innovative site or building design, increased public benefits, and complementary integrated land uses. The PD overlay is not intended for use where a proposed development is feasible under the City's existing zoning classifications. A Planned Development may be allowed at the discretion of the Planning Commission and City Council in all zones.

§17.27.030 Minimum Area Requirement

The PD Overlay Zone may only be applied to sites larger than three (3) acres unless the City finds compelling reasons that a smaller project should be considered in the PD process. Compelling reasons could include such factors as the site contains significant redevelopment potential, location, potential catalyst for larger redevelopment, preservation of historic resources, proximity to important open space, or the project incorporates innovative building and site design principles.

§17.27.040 Process to Establish a Planned Development (PD) Overlay

The review process for Planned Development shall follow the Track 2 processes prescribed in Article 6 "Administration" of this Title, and as modified below:

- A. Concept Plan Review. A concept plan shall be submitted for City Staff, Planning Commission and City Council review. Applicants are encouraged to work with staff prior to submitting the Concept Plan to gain an understanding of the surrounding area, the purpose of the base zone, the goals and policies of the City's general plan, and the availability and suitability of infrastructure. Submittal and review of a Concept Plan is a requirement of the Planned Development process.
 1. The Concept Plan shall include a project narrative, preliminary site layout, preliminary access plan, basic sketches of all proposed buildings, a description and arrangement of uses, and a description of overall densities.
 2. The Concept Plan and notice of the Planning Commission Workshop will be sent to the Neighborhood Councils, distributed through the neighborhood email distribution list, and posted on the City's various outlets used for posting notices (website, social media, city hall). Public comments received during the Concept Plan review process will be shared with the proponent, the Planning Commission and the City Council.

17.27: Planned Development (PD) Overlay Zone

3. The Concept Plan will be reviewed by City Staff, the Planning Commission and the Municipal Council in a workshop setting. The city staff, Commission and Council shall provide advisory comments and recommendation regarding the concept plan to assist in the preparation of the development plan according to subsection B of this section.
 4. No action will be taken by the Commission or Council on the Concept Plan, and comments and recommendations will not obligate, compel, or constrain future action by either body.
- B. Formal Planned Development Project Review. Following the Concept Plan review, a petitioner shall submit applications for a zoning map amendment (Overlay Zone), Land Development Code amendment (specific text for the PD), Design Review Permit (Development Plan), and preliminary Subdivision review (if applicable). These specific applications will be processed and reviewed according to the relevant procedural Chapters listed in Chapter 17.39.

§17.27.050 Planned Development Overlay Zone Application Requirements

- A. Zoning Map Amendment. Include a specific map showing the boundaries of the property being considered for the PD Overlay, list of ownership and signatures of all owners.
- B. Land Development Code Amendment. Provide the proposed code text for the Planned Development which shall include, at a minimum, the following:
 1. Name and location of the Planned Development.
 2. Purpose, intent and applicability of the Planned Development.
 3. Permitted, conditional, and accessory uses;
 4. Proposed development standards, including the following:
 - a. Land use standards establishing mix of land use types, location, and density;
 - b. Lot standards establishing requirements for lot area and dimensions;
 - c. Building setback standards for front, side and rear yards;
 - d. Design standards addressing building height, building orientation, useable outdoor space, natural resource protection, architectural design; and
 - e. Landscaping and useable outdoor spaces.
 - f. A statement requiring compliance with other development standards in this code that are not being modified by the proposed language.
- C. Development Plan. Include detailed information for the Planned Development containing, at a minimum, the following:
 1. A written narrative explaining the intent of the proposal, details on how the PD provisions are being met, a description of the overall public benefit of the Planned Development, and a detailed identification of the requested revisions to standard zoning and development provisions;
 2. Maps and/or graphics defining the boundaries of the project area inside the PD overlay;
 3. Site plan and preliminary subdivision plan;
 4. Circulation, access, and parking plan;
 5. Service and utility plan;
 6. Building elevations, materials, and colors;
 7. Landscape and open space plan;
 8. Critical Lands delineations (as applicable);
 9. Signage plan;
 10. Lighting plan; and
 11. Phasing plan.
- D. Preliminary Plat (if applicable).

§17.27.060 Planned Development Review and Approval Process

A PD Overlay Zone shall only be established upon the approval of a rezone, text amendment to the Land Development Code, development plan by the City Council. The review and approval of a Planned Development shall follow the noticing, review and approval processes prescribed in Article 6 “Administration” of this Title, and subject to the following:

- A. In considering a petition for a PD overlay zone, the proposed zone text and zoning map amendments may be modified by the city to meet the intent and requirements of this Subsection and may include regulations and standards other than those proposed by the petitioner.
- B. A proposed Zoning Map amendment, Land Development Code text amendment, Design Review Permit, and preliminary subdivision shall be approved only if, in the opinion of the Land Use Authority, the proposed will;
 - 1. Conform to applicable provisions of the city's general plan and any other applicable master plan;
 - 2. Conform to applicable chapters of this title; and
 - 3. Better preserve and enhance the property and neighborhood by integrated planning and design than would be possible under other zoning regulations of this title.
- C. All of the provisions of this Code, including those of the base zone, and any other applicable City development requirement, shall be in full force and effect, unless such provisions are expressly waived or modified by the approved development plan and/or development agreement.
- D. An approved PD Overlay shall be shown on the zoning map by a "PD" designation after the designation of the base zone district.
- E. No permits for development within an approved PD District shall be issued by the City unless the development complies with the approved Design Review Permit (Development Plan).
- F. The PD Overlay Zone shall not be approved without a specific project tied to the PD overlay.
- G. There is no expiration of a Planned Development project approved under the PD Overlay Zone processes. All future development plans approved on the site under the PD Overlay Zone, is restricted to develop and/or build according to the approved Design Review Permit (Development Plan) and the adopted PD text.

§17.27.070 Amendments or Changes to an Approved Planned Development

Amendment or changes to an approved Planned Development may be permitted by following the procedures required for the original approval. The Director may authorize minor adjustments from an approved development plan to resolve conflicting provisions or when necessary for technical or engineering considerations.

Chapter 17.27A: PD-1: Cache Valley Marketplace

§17.27A.010 Purpose and Intent

The purposes of the PD-1 Cache Valley Marketplace Development Project are:

1. Revitalize the existing Cache Valley Mall property which has seen a loss of primary mall anchors and a lack of investment.
2. Redevelop the existing Cache Valley Mall with new commercial space, hotel, and residential uses valued at over \$205,000,000.
3. Construct an approximate 150,000 square foot building housing a new anchor retailer.
4. Construct approximately 346 multi-family residential units and associated amenities with a percentage of those new units designated as affordable housing units.
5. Construct an approximate 156 room hotel with an additional 21,000 square feet of main level commercial space.
6. Improve pedestrian circulation between 200 East and Main Street through the site.

§17.27A.020 Applicability and Context

This Planned Development will be labeled as PD-1 Cache Valley Marketplace Planned Development. The entire site contains approximately 28.634 while the gross development area contains approximately 25.5 acres and is located east of Main Street, south of 1400 North, west of 200 East and north of 1250 North (Cache Valley Mall Blvd.). The current property contains the existing Cache Valley Mall originally constructed in 1976. The underlying zoning of the site is Commercial (COM).

Note: Refer to the approved Development Plan contained in Design Review Permit 23-047 & PC #25-060 (PD-1: Cache Valley Marketplace) for specific project details.

§17.27A.030 Allowed Uses

The range of permitted and conditional uses allowed in the PD-1 Cache Valley Marketplace are as listed in Table 17.11.030 for the COM zone as modified below and in 17.27A.040:

1. Multi-family residential uses are permitted in a free-standing, live/work or vertical mixed use arrangement.

§17.27A.040 Prohibited Uses

The range of uses prohibited in the PD-1 Cache Valley Marketplace are:

1. The range of uses currently listed under the Industrial, Other, Utility (excepting out utilities necessary for this PD) & Public Use Categories (excepting out day care centers, public safety services, and parks/open space) in Table 17.11.030 are prohibited in this PD.
2. The following uses listed as either Permitted or Conditionally Permitted under the Sales and Service Use Category in Table 17.11.030 are prohibited: amusement, animal clinic, and railroad station.

§17.27A.050 Buildings Approved under this PD Overlay (Reference PC #23-047 & PC #35-060)

A. Approved Commercial Buildings

1. Building A – Approximately 150,000 square feet anchor retailer.
2. Building B – Approximate 62,990 SF mid-box retail multi-tenant building.

B. Approved Freestanding Residential Buildings (PC #25-060)

1. Multi-Family Building #1 – a 4 story residential building containing 104 dwelling units.

2. Multi-Family Building #2 – a 4 story residential building containing 93 dwelling units.
 3. Multi-Family #3 – a 4 story residential building containing 41 dwelling units.
 4. Multi-Family #4 – a 4 story residential building containing 74 dwelling units.
- C. Other
1. Multiple freestanding accessory, single level garage structures containing parking stalls accessory to the residential uses.

§17.27A.060 Approved Residential Densities & Unit Count

The approved Development Plan includes 312 residential units for an overall density of 12.2 units/acre (25.5 acre site).

§17.27A.070 Development Standards - Commercial Component

All commercial development shall comply with the minimum development standards contained in the Land Development Code.

§17.27A.080 Development Standards – Residential Component

All residential development shall comply with the minimum development standards contained in the Land Development Code with the following exceptions:

1. Freestanding residential buildings with ground floor residential units are permitted in this Planned Development.
2. Building Setbacks: Residential buildings approved with a 10' setback from all property lines except buildings 3 & 4 which were approved with a 15' setback from the property line along 200 East.
3. Building Heights: Maximum building height at the front, side, & rear setbacks is 60'.
4. Ground Floor Height: Minimum ground floor height is 9'.

§17.27A.090 Useable Outdoor Space and Landscaping Standards

The approved Development Plan shall comply with the following minimum useable outdoor space and landscaping standards:

Development Type	Minimum Area Required for Useable Outdoor Space (gross land area)	Minimum Area Required for Landscaping (gross land area)
Multi-Family Residential	10%	20%
Commercial	10%	10%

Subject to the following exception:

1. Pursuant to LDC 17.32.140, up to 5% of the minimum area required for either landscaping or useable outdoor space, or the equivalent thereof, may be provided off-site as determined by the City in a location close enough to benefit future residents of this Planned Development.

§17.27A.100 Access and Parking Design

1. The approved Development Plan shall comply with the minimum parking requirements based on use type for the commercial areas, and the bedroom counts for the residential areas as enumerated in LDC 17.31.040 (commercial) and 17.10.08 (residential).

2. The overall project provides approximately 1,375 parking stalls which is approximately 120% of the required parking stalls (1,140 – 1,168), and less than the 125% threshold listed in LDC 17.32.080.C.3 requiring additional landscaping.
3. The proposed public access easement connecting 100 East and Main Street shall remain open as a public easement in perpetuity unless both parties agree to eliminate it. All maintenance requirements of this public easement are the responsibility of the landowner.
4. Setbacks for parking areas adjacent to interior lot lines may be reduced to 0'. Setbacks for parking areas along 1250 North, 200 East & 1400 North shall be as required in the LDC.

§17.27A.110 Signage

Signage is approved to allow three monument signs not to exceed 11 feet in height and containing 108 SF of signage size, with one located along 1400 North, Main Street, and 1250 North, and a fourth monument sign to be permitted along 200 East provided it meets the minimum sign requirement in LDC 17.33. All other signage shall comply with the minimum standards contained in the Land Development Code.

§17.27A.120 Compliance with Approved Development Plan

All site development and building construction shall occur as approved in the PD-1 Cache Valley Marketplace Planned Development under Project # 23-047.

§17.27A.130 Compliance with Adopted Land Use Standards & Building Codes

Unless otherwise modified in this PD overlay, all construction and development contained within the PD-1 Cache Valley Marketplace Planned Development shall comply with all City land use and development standards and building codes as adopted.

Chapter 17.27B: PD-2: Willow Lake Phase 5

§17.27B.010 Location and Purpose

- A. The location of the PD-2 Willow Lakes Phase 5 Planned Development is limited to the 12-acre Phase 5 land area of the Willow Lakes Subdivision. This area is located south of 1100 South Street, west of 1000 West Street and north of Slalom Lake. Phase 5 is divided into three distinctive areas: the “West Area” (Parcels I & K listed on Phase 3 plat), “Central Area” (Parcel K), and the “East Area” (Parcel D). Willow Lakes Drive intersects 1100 South between the West and Central Areas.
- B. The purpose of this Planned Development Overlay is to allow for flexibility and additional land use not currently permitted in the base NR-6 zoning district including the following:
 1. One (1) 40,000 square foot boat club, fitness, event hall, and office commercial building located in the west area of the planned development.
 2. Five (5) beachfront homes used as short-term rentals located in the west area adjacent to Willow Lakes Drive.
 3. Eleven (11) single family building lots located in the central area adjacent to Slalom Lake.
 4. Five (5) mansion home style multi-family buildings containing up to four dwelling units each located in the central area north of Slalom Lake.
 5. One (1) sixty (60) bed assisted living building located in the east area adjacent to 1000 West.

§17.27B.020 Applicability and Context

- A. This Planned Development will be labeled as PD-2 Willow Lake Phase 5 Planned Development. The entire site contains approximately 12 acres and consists of three areas. The underlying zoning of the site remains Neighborhood Residential (NR-6).
- B. Reference the Planning Commission project PC#25-041 for meeting minutes, staff reports, project exhibits, and details for this Planned Development. The original Willow Lake Subdivision permit was issued on March 11, 2021, as per PC#21-009 Willow Lakes Subdivision.

§17.27B.030 Allowed Uses

The permitted uses allowed in the PD-2 Willow Lakes Phase 5 Planned Development are as listed in Land Development Code (LDC) Table 17.08.080 for the NR-6 base zone and as specifically listed below:

1. Fitness Center, Spa, Boat Club, Event Center w/ Observation Deck, Office, Short Term Residential Rentals, Multi-Family Residential, and an Assisted Living facility.

§17.27B.040 Prohibited Uses

Any land use not explicitly permitted in Table 17.08.080 for the NR-6 zoning district and not specifically listed above in 17.27B.030 are prohibited.

§17.27B.050 Building Design and Site Requirements

- A. The commercial boat house/fitness/office/event building may be up to 40,000 square feet in size and no taller than 43 feet. The final building design and site plan shall be reviewed and approved by the Planning Commission through the formal Design Review Permit application process prior to building permit issuance. The Design

- Review Permit approval shall be based on the Commercial (COM) Zone Design and Development standards, including zoning setbacks, open space and useable outdoor space, parking, pedestrian circulation, landscaping, and building design standards.
- B. The five beachfront homes may be up to 6,000 square feet in size and are designated as Short-Term Rentals. The modified zoning setbacks for these homes are as follows: 20 feet front yard, 5 feet side yard, and 10 feet rear yard. All five of these homes may be legally established as short-term rentals, with the standard LDC proximity requirements waived. STR licensing, parking and occupancy standards are still applicable and based on current LDC standards. A Design Review Permit is not required for these homes. A business license is required for these short-term rentals. If the homes are built on individual building lots, a subdivision permit is required prior to the issuance of any building permits.
 - C. The eleven single-family home sites in the central area will be required to obtain building permits based on NR-6 regulations. A subdivision permit is required prior to the issuance of any building permits.
 - D. The five (5) mansion style multi-family buildings may contain up to four (4) dwelling units within each structure. The front yard setback for these structures shall be 25 feet minimum. A Design Review Permit is required and based on MR-9 zoning standards for each building prior to construction. If built on individual lots, a subdivision permit is required.
 - E. The assisted living building may contain up to 60 beds and a maximum height of 43 feet. A Design Review Permit is required for this building and approvals will be based on MR-12 zoning standards, including parking, setbacks, landscaping, and pedestrian circulation.

§17.27B.060 Approved Residential Densities & Unit Count

The approved Planned Development includes 36 total residential units (five STR units, 11 single family units, 20 multi-family units) for an overall density of 3 units/acre (12-acre site).

§17.27B.070 Development Standards - Commercial Component

All commercial development shall comply with the minimum development standards contained in the Land Development Code unless otherwise modified in this section.

§17.27B.080 Development Standards – Additional Requirements

This Planned Development Overlay requires improvements outside of the Phase 5 project boundaries based on additional commercial land use permissions and associated impacts.

- A. Public Trail Improvements. A ten-foot-wide concrete multi-use trail, built to city specifications, shall be constructed from the new Trapper Park pedestrian bridge running east for approximately 790 linear feet and running west for approximately 3,010 linear feet and terminating at the northwest corner of the project site, for a total trail length of 3,800 linear feet (listed as section #1 and #2 on applicant exhibit). This new trail shall have minimum of one tie-back section to Willow Lakes Drive between the building lots for additional public access.
- B. Public Trail Completion Requirements. The Public Trails shall be completed at the time of Certificate of Occupancy for the fitness center building in phase 5 or three (3) years from September 2025, whichever is sooner.
- C. Public Trail Cost Share Requirements. The City of Logan will split the cost of the above trail sections with the applicant paying 45.45% and City paying 54.55%. The City's total obligation shall not exceed \$600,000.00 to be paid by the City at the completion of both trail sections. If the source of the city's funding is RAPZ or other

grant funding, the applicant shall provide proof of payment for work completed to satisfy participating grant criteria. Prior to construction, the applicant and the city shall enter into a development agreement that specifies contracts, materials, and schedules.

- D. Public Road Improvements. 1400 West Street, north of the Phase 5 area, shall be extended to the intersection of 600 South. Although the ultimate classification is a major arterial, the initial construction and cross section of this street shall be 41-foot-wide from 600 South to 900 South. This 41-foot-wide section will consist of two 12-foot-wide travel lanes, a 3-foot-wide buffer with raised concrete curbing and plastic cone delineators, a 10-foot wide on-street shared-use trail along the west side and two-foot shoulder on both sides. This road section shall have the centerline elevation set to accommodate the future expansion to an arterial street. The improvements will include rough grading and native seeding of areas within the right-of-way and outside the 41-foot cross section. Pedestrian crossings at three intersections (600 S. 900 S. 1100 S.) shall be accommodated for. The existing 38-foot road section between 900 South to 1100 South will remain and be reconfigured with two 12-foot-wide travel lanes, a 3-foot-wide buffer with raised concrete curbing and plastic cone delineators, a 10-foot wide on-street shared-use trail along the west side.
- E. Public Street Completion Requirements. The construction of these road improvements shall be completed prior to the Certificate of Occupancy for the Fitness Center/Boat Club building. Prior to construction of the street, the applicant and the city shall enter into a development agreement that meets city street standards and specifications.

§17.27B.090 Signage

Signage for commercial and assisted living buildings shall comply with LDC 17.33 and sign permits shall be obtained prior to installation.

§17.27B.100 Compliance with Approved Development Plan

All site development and building construction shall occur as approved in the PD-2 Willow Lakes Phase 5 Planned Development and subsequently issued Design Review Permits.

§17.27B.110 Compliance with Adopted Land Use Standards & Building Codes

Unless otherwise modified in this PD overlay, all construction and development contained within the PD-2 Willow Lakes Phase 5 Planned Development shall comply with all City land use and development standards and building codes as adopted.

Chapter 17.28 Reserved

Article V: Supplemental Regulations

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Chapter 17.29: Standards, Specifications, and Improvements

§17.29.010. Purpose

The uniform application of Public Works standards and specifications for design and construction are adopted by reference as a condition of project approval and permit issuance for all development permits, subdivisions, building permits, conditional use permits, design review permits, or other permit issued by the City. The standards of this chapter are carried out through other provisions of the Logan Municipal Code and the Public Works Design Standards Manual as approved by the Director of Public Works.

§17.29.020. Typical Road Cross Sections

Detailed current Road Cross Sections are administered by the Director of Public Works and can be found within the Public Works Design Standards Manual.

§17.29.030. Right-of-Way Access and Driveways

A. The purpose of right-of-way access regulations is to maintain and improve traffic levels of service by managing the location of access points to public rights-of-way.

B. Right-of-Way Permits.

No property owner shall be permitted to construct, develop, or begin using access from private property onto a City right-of-way without obtaining a Right-of-way Access Permit from the Department of Public Works.

C. General Standards.

The following standards apply to all development except detached single family residential structures located in the RR, RC, NR, MR, and CR zoning districts.

1. Back-Out Parking Prohibited. Parking configurations that require vehicles to back-out of parking areas directly onto public rights-of-way are prohibited.
2. Maintenance of Driveway Bridges. Driveway bridges shall be maintained in a safe and orderly manner. If parking bridges or parking areas fall into disrepair, the Public Works Director may order the portion of the facility within the public right-of-way to be repaired, removed, or abated. If the City undertakes any action that is a duty of the property owner under this chapter, the property owner shall be responsible for the cost of the City's action.
3. Access to State Highway Rights-of-Way. Uses and developments currently or planned to be accessed via state roads whether they are new, remodeled or determined to be a change of use, shall be reviewed and approved by the Utah Department of Transportation.
4. Access to City Rights-of-Way. Uses and developments currently or planned to be accessed via city roads whether they are new, remodeled or determined to be a change of use, shall be reviewed and approved by the Logan City Public Works Department.

§17.29.040. Shared Access

Shared access between adjoining parcels is strongly encouraged. It may be required by the decision-makers or the Director of Public Works as a condition of project approval. The decision-makers may require shared access if the property owner owns or controls adjoining property, or if it is feasible for separate property owners to enter into a shared access agreement.

§17.29.050. Access Adjoining Major Streets

A. Arterial and Major Collector Streets.

17.29: Standards, Specifications, and Improvements

When a project proposes access to an arterial street or major collector street, whether the streets are existing or proposed, limited access to the street may be required as follows:

1. Determination shall be consistent with the currently adopted City of Logan Transportation Master Plan and General Plan Transportation Element.
2. Determination shall be based upon the recommendation of the Department of Public Works.
3. When frontage roads or alternative access are used, “no access easements” may be required between the project and the road to which access is limited.
 - a. No new driveway access shall be permitted to directly access the following city streets except as exempted in the subsections following this list:
 1. 1400 West within the Logan City Limits.
 2. 600 West between US 89/91 and 2500 North.
 3. 1000 South between Utah 165 and 600 West.
 4. 1400 North between 1400 West and 1400 East.
 5. 200 East from 1000 North to the North Logan City Limits (1500 North).
 6. 800 East from 800 North to the North Logan City Limits (1500 North).
 7. 1000 North between 1200 East and westernmost Logan City Limits.
 - b. If there are no alternatives for access utilizing existing side streets or rights-of-way, access to one of the excluded streets in this section may be approved as follows:
 1. Frontage roads may be required to create a shared access between the subject property and adjoining properties to limit the number of access points;
 2. Driveways, if permitted, shall be required to be aligned on the City’s grid system by either:
 - a. Align with existing driveways across from the proposed new driveway location, or
 - b. Align driveways in locations approved by the Director of Public Works to create safe driveway separations and accommodate other potential driveways in the project area.
 3. If the project is a subdivision, the number of lots may be reduced to accommodate a frontage road; or
 4. An access to a street if it is designed to be or become a shared access,
 - c. If recommended by the Director of Public Works, access shall be developed to serve as an interior project street to provide access to multiple properties.
 - d. No new residential driveways shall be permitted to access excluded streets if there is any other location for access. If a legally existing lot is proposed for development and there are no alternative points of access, the Director of Public Works may approve one residential driveway with a maximum width of 22 feet at the right-of-way.
 - e. If a lot has been created in violation of subdivision regulations, the Director of Public Works may require driveways for illegally created lots to conform to the provisions of this chapter.
 - f. Other access limitations as defined in the Logan General Plan or the City’s current Transportation Master Plan shall apply.

B. Alternate Access Required.

The decision making body shall consider the long-term needs of the City in maintaining local and regional transportation corridors in the approval of any subdivisions pursuant to this Title. The decision making body may reduce density, the number of driveways or change driveway locations, or impose other design

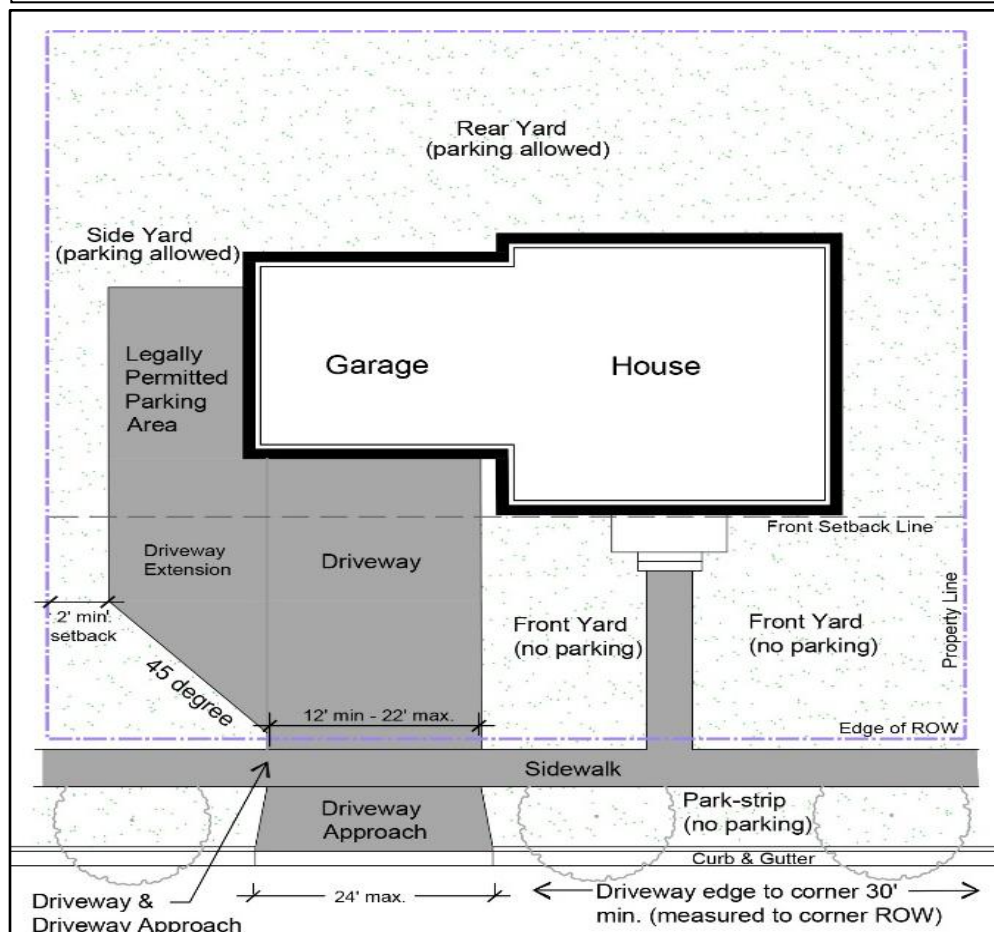
considerations to avoid or prohibit access to arterials and major collectors and to preserve future transportation corridors. The decision making body may require road right-of-way stubs or connections to adjoining properties for future road development whether or not the adjoining properties are proposed for development at the present time. The decision making body may require the dedication of the extended right-of-way upon recommendation of the Director of Public Works if adjoining zoning or site development potential results in the need for logical future connections.

§17.29.060. Driveway Specifications

A. Residential Driveways.

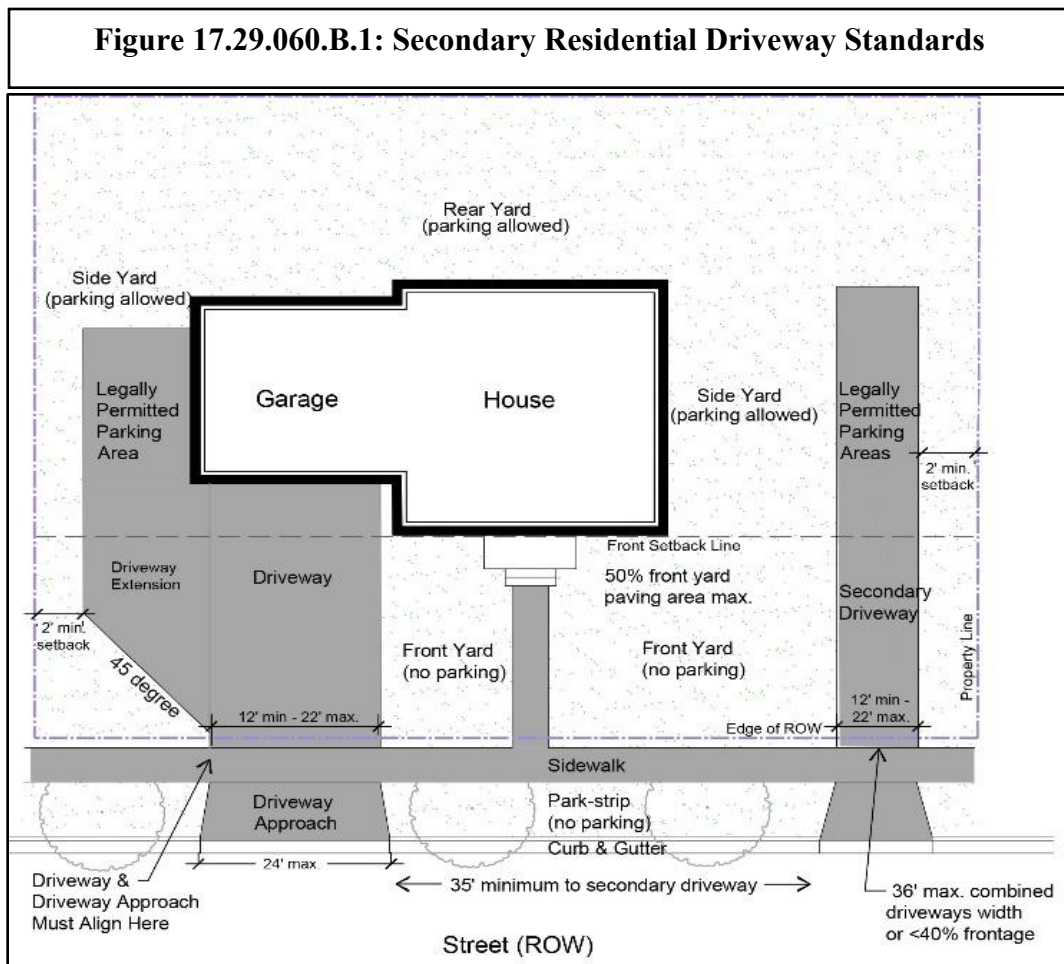
1. All off-street parking areas shall be accessed through an approved driveway approach (curb cut) permitted by the City. Prior to initiating any work on a driveway or a driveway approach, a right of way access permit from the Public Works Director and a driveway permit from the Community Development Director are required.
2. New residential driveways shall access onto a local or gridded residential street. Proposals for new residential driveways that replace an existing driveway or provides access to an existing residential lot that lacks current access to a local or gridded residential street, may be permitted by the Public Works Director and the Community Development Director.

Figure 17.29.060.A.1: Residential Driveway Standards



17.29: Standards, Specifications, and Improvements

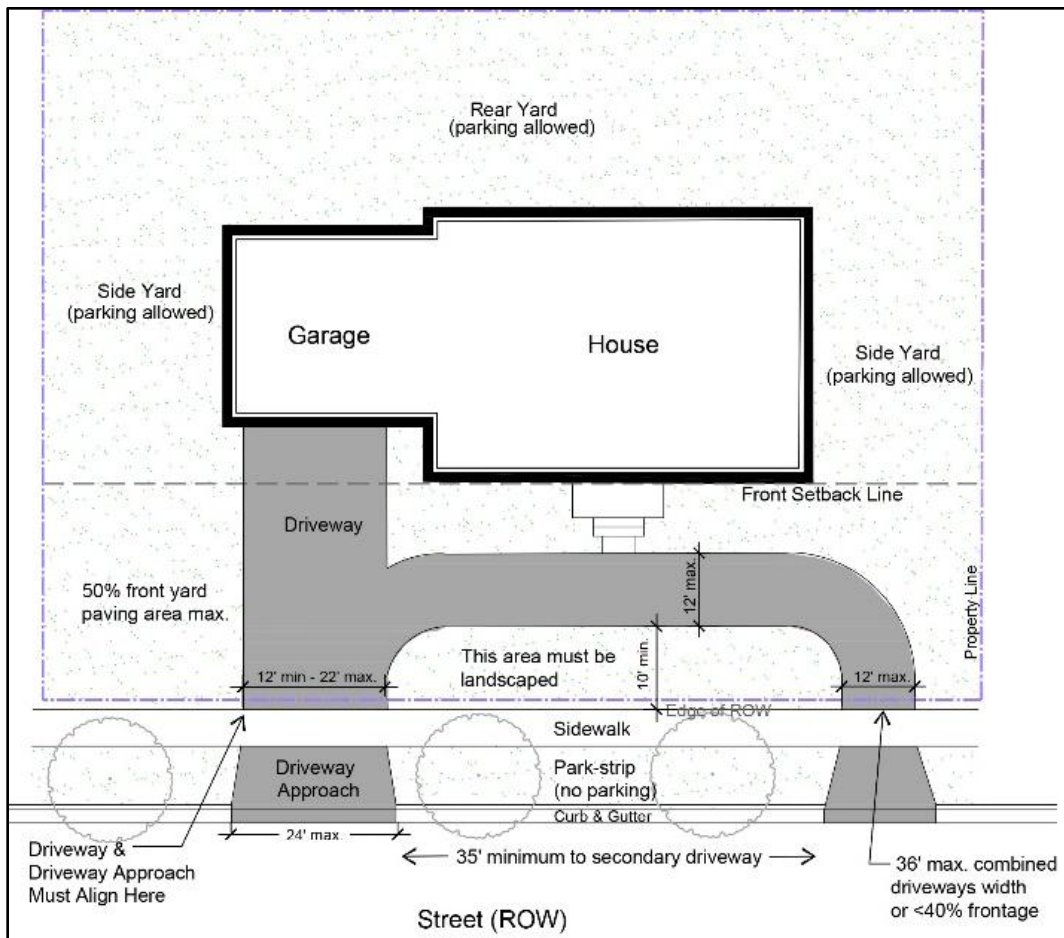
3. It is unlawful to drive a motor vehicle on any sidewalk, park strip, or any other area behind the curb within a public right of way, with the exception of within an approved and permitted driveway approach.
 4. Driveways shall lead to a garage or parking area located outside the front setbacks. The width of a driveway at the edge of the right of way (row) shall be a minimum of twelve (12) feet and a maximum of 22 feet wide. The Director may permit a narrower driveway based on existing site conditions.
 5. The maximum width of the driveway approach (curb cut) shall not exceed 24 feet. The driveway approach (curb cut) and the driveway located behind the property line shall be a consistent width to prevent driving over the curb or parkstrip. A driveway expansion or extension requires review and permitting by the City.
 6. A driveway leading to a legal parking area on the side or rear of the home shall flair at a 45 degree angle from the front property line. The triangular area shall be landscaped and shall not be driven over or parked on. See Figure 17.29.060.A.1.
 7. A residential driveway shall be located at least two (2) feet from a side or rear property line. A shared driveway on two separate parcels is exempt from this provision; however, the width of a shared driveway shall not exceed 22'.
 8. Corner lot driveways on a local or gridded residential street shall be located a minimum of 30 feet away from the corner.
 9. Parking on residential property is not permitted in the front setback unless in a permitted driveway. A permitted driveway shall be at least 20' in depth (as measured from the near edge of the right of way to the garage) in order to accommodate vehicular parking outside the public right of way, parkstrip, or sidewalk.
 10. A driveway shall be improved with a hard surface material such as concrete, asphalt, masonry, pavers, or similar materials, and shall be designed and constructed to ensure that stormwater is not diverted to adjoining properties.
 11. The total front yard area, including driveways, walkways, patios, etc., shall not exceed 50% of impervious or hardened surface (pavement, pavers, hardscape, etc.).
- B. Secondary Residential Driveways. Secondary driveways on residential properties may be permitted for residential development on local or gridded residential streets subject to the following standards (See Figure 17.29.060.B.1):
1. Prior to initiating any work on a secondary driveway or a second driveway approach, a right of way access permit from the Public Works Director and a driveway permit from the Community Development Director are required.
 2. Second driveways shall be designed and constructed in accordance with the design requirements as set forth in Figure 17.29.060.B.1.
 3. The width of a secondary driveway at the edge of the right of way (row) shall be a minimum of twelve (12) feet and a maximum of 22 feet wide. The Director may permit a narrower driveway based on existing site conditions.
 4. The secondary driveway approach (curb cut) shall be at least 12 feet and no more than 24 feet in width.
 5. The total combined width of all driveways (primary and secondary) on the same property shall not exceed 36' or 40% of the property frontage, whichever is less.
 6. There shall be at least 35' between each driveway approach located on the same property and as measured along the curb face.



7. The secondary driveway shall be located at least 2' from property lines.
 8. All secondary driveways shall lead to legally permitted parking areas, be improved with a hard surface material such as concrete, asphalt, masonry, pavers, or similar materials, and be designed and constructed to ensure that stormwater is not diverted to adjoining properties.
 9. A secondary driveway shall be located at least 30' from the side yard property line adjacent to a street intersection.
 10. Secondary driveways on residential properties fronting a collector or arterial roadway shall be reviewed by the Director of Public Works or City Engineer and may be approved on a case by case basis.
- C. Circular Residential Driveways. A circular driveway may be permitted for residential development on a local or gridded residential street subject to the following:
1. Prior to initiating any work on a circular driveway and driveway approaches, a right of way access permit from the Public Works Director and a driveway permit from the Director are required.
 2. The driveway and driveway approaches (curb cuts) for circular drives shall meet all of the minimum width, separation and coverage standards that apply to primary and secondary driveways described in Subsection A & B above with the exception that the maximum width of a circular driveway is twelve (12) feet.

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3. Circular driveways shall be designed and constructed in accordance with the design requirements as set forth in Figure 17.29.060.C.1.
4. The midpoint of the circular driveway shall be setback at least 10' from the front property line. The area between the minimum interior arc and the front property line shall be landscaped at all times and shall not be filled with cement, asphalt, or any other paving material. Parking is prohibited in this area.
5. Circular driveways on residential properties fronting a collector or arterial roadway shall be reviewed by the Director of Public Works or City Engineer and may be approved on a case by case basis.

Figure 17.29.060.C.1: Circular Residential Driveway Standards

- D. Multi Family Driveways and Private Access Roads. The location and number of driveways or connections to public roadways serving multi-dwelling structures shall comply with Table 17.30.170.E.2 and shall be reviewed through the design review permit process for new projects, or through the right-of-way access permitting and driveway permitting processes for existing projects. Flag lot shared driveways and middle of the block infill private access roads shall match 17.30.180 width and spacing requirements. The design and location of driveways serving multi-dwelling structures shall be in accordance with Logan City Public Works Standards.
- E. Non-Residential Driveways.

17.29: Standards, Specifications, and Improvements

1. The design and location of driveways serving multi-dwelling structures shall be in accordance with Logan City Public Works Standards.
2. Entry (ingress) lanes shall be limited to a maximum width of sixteen (16) feet, except as noted in this subsection.
3. Exit (egress) lanes shall be at least twelve (12) feet wide with one lane for each turning movement. If there is a lateral (straight across) alignment approved by the decision-makers, there shall be a third twelve (12) foot lane for through traffic.
4. Typical non-residential driveway widths shall be forty (40) feet (one 16' ingress lane and two 12' egress lanes) with a maximum established at 52 feet when approved by the Director of Public Works.
5. The Director of Public Works or the City Engineer may approve varied widths based on site and project specific conditions and traffic safety.

§17.29.070. Driveway Location and Spacing**A. Commercial and Recreation Zoning Districts.**

The following standards apply to all development in the TC, COM, CC, MU, GW, AP, PUB, and REC zoning districts.

1. Number of Driveways: One driveway is allowed per lot or per 300 feet of street frontage, whichever is greater, unless a greater number of driveways are approved by the Director of Public Works.
2. Driveway Width: The maximum width of a driveway providing access to a public right-of-way is 52 feet. The Director of Public Works may require that driveways wider than 24 feet be constructed with a landscape island or divider median to separate ingress and egress traffic.
3. Driveway Spacing: Driveways shall be spaced at least 200 feet from other driveways and street intersections, unless otherwise approved by the Director of Public Works. Spacing is measured from nearest edge to edge.

B. Industrial Districts.

The following standards apply to all development in CS and IP zoning districts.

1. Number of Driveways: One driveway is allowed per lot or per 300 feet of street frontage, whichever is greater, unless otherwise approved by the Director of Public Works.
2. Driveway Width: The maximum width of a driveway providing access to a public right-of-way is 52 feet. The Director of Public Works may require that driveways wider than 24 feet be constructed with a landscape island or divider median to separate ingress and egress traffic.
3. Driveway Spacing: Driveways shall be spaced at least 100 feet from other driveways and street intersections, unless otherwise approved by the Director of Public Works. Spacing is measured from nearest edge to edge.

§17.29.080. Reserved**§17.29.090. Driveway Setbacks Within the Front Yard**

No standalone driveway shall be closer to the side property line than two (2) feet (measured from the closest edge of the driveway to the side property line). This strip shall be landscaped and maintained by the property owner.

§17.29.100. Driveway and Parking Surface

Driveways shall be constructed according to Department of Public Works Design Standards Manual. All driveways and parking areas shall be "hard surfaced" in asphalt, concrete, or other hard surface as approved by the Department of Public Works and Fire Marshall.

§17.29.110. Complete Public Streets

All City owned streets, public right-of-ways, bridges and other connecting pathways shall be designed, constructed, operated, and maintained so that users, including people with disabilities, can travel safely and independently.

A. Provisions and Exemptions.

1. The design of, and provision for, new bicycle and pedestrian ways shall be included in the City's new construction and reconstruction projects, subject to budget limitations, and unless one or more of the following conditions apply:
 - a. Bicyclists and pedestrians are prohibited by law from using the street or City owned transportation facility;
 - b. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use; or
 - c. Scarcity of population or other factors indicate an absence of need, with consideration given to future population growth.
2. The design and development of the City streets and rights-of-way shall improve conditions for bicycling and walking through the following:
 - a. The design and construction of new facilities should anticipate future demand for bicycling and walking facilities, and not preclude the provision of future improvements;
 - b. Provide safe, accessible and convenient corridor crossings for both bicyclists and pedestrians in any future transportation corridor projects; or
 - c. The design of facilities for bicyclists and pedestrians shall follow design guidelines and standards that are commonly used, including but not limited to the AASHTO Guide for the Development of Bicycle Facilities, AASHTO Policy on Geometric Design of Highways and Streets, the Institute of Transportation Engineers recommended practice "Design and Safety of Pedestrian Facilities," and the U.S. Department of Transportation sponsored "Designing Sidewalks and Trails for access Part II: Best Practices Design Guide."

§17.29.120. Private Streets and Private Utilities

All privately owned streets and utilities shall be designed, built, and maintained to the same standard as public streets and utilities.

§17.29.130. Private Drives

Reserved.

§17.29.140. Curb, Gutter, Sidewalk, and Drainage Requirements

All curb, gutter, sidewalk and drainage improvements shall be designed and constructed to the Department of Public Works Design Standards Manual. Improvements shall be installed to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy, use, or occupancy of the project.

§17.29.150. Street Trees

Street trees shall be required as a condition of all project approvals. The tree species and locations of plantings shall be as specified by the City Forester. Street trees shall be planted at the time of issuance of a Certificate of Occupancy or construction of sidewalks, whichever occurs first. For subdivisions, the Director may require posting of improvement security to guarantee the availability of funds adequate to cover the cost of purchasing and installing street trees. The timing and installation of the necessary street trees and parkstrip

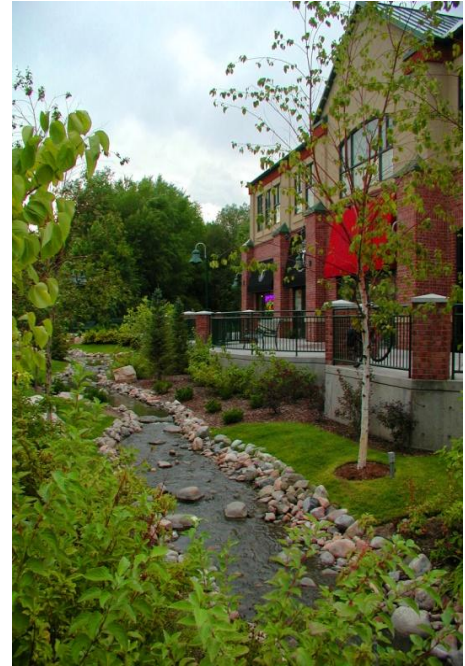
improvements can be coordinated with the installation of the minimum landscaping required under Section 17.32.

§17.29.160. Bridges and Culverts

All culverts and bridges shall be designed and installed to the Department of Public Works Design Standards Manual.

§17.29.170. Stormwater, Stormwater Detention, Stormwater Retention

- A. The purpose of this Section is to ensure adequate provisions are made for the retention, detention, or discharge of stormwater, ground water, surface water, subsurface drainage, and roof runoff as required by the Director of Public Works.
- B. This Section applies to all new development and redevelopment subject to design review.
- C. Standards.
 1. New development and redevelopment shall comply with the City's adopted Storm Water Management Plan and engineering standards. All stormwater improvements shall be designed and installed to the Department of Public Works Design Standards Manual.
 2. Where a natural drainage way is located on a development site, the natural drainage way shall not be altered or obstructed in a manner that would be detrimental to downstream properties. Any modification to a natural drainage way requires review and permitting by the Department of Public Works prior to initiating any work.
 3. Natural drainage ways and aboveground storm water facilities shall be incorporated as an amenity into the development.
 4. All stormwater facilities shall be integrated into the required landscape plan and overall site design.
 5. New development shall utilize Low Impact Development Practices where site conditions permit.
 6. Any open stormwater detention or retention facility constructed at grade, above grade, or below grade shall not be located in the front of a project and shall only be located in the side or rear yards. Underground stormwater facilities may be located in the front yard.



§17.29.180. Waterlines and Fire Hydrants.

- A. Water distribution systems shall be constructed by the property owner to the State of Utah regulations and the Department of Public Works Standards and Specifications.

17.29: Standards, Specifications, and Improvements

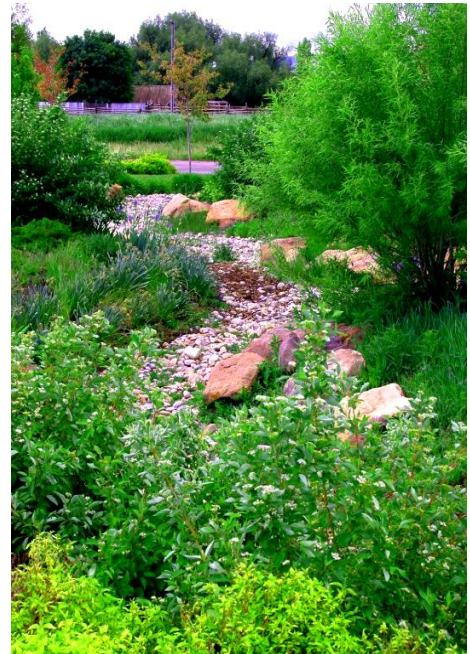
- B. Increases or decreases in water pressure from that existing in the culinary water system prior to installation is the responsibility of the project developer or property owner. Adequate flow of a minimum pressure of the current State of Utah standards at any point in the project shall be the responsibility of the proponent.
- C. Fire hydrants shall be installed to meet the specifications of the Department of Public Works and the Fire Marshal.

§17.29.190. Sewage Disposal

The sanitary sewer collection system shall be constructed to the current State of Utah and Department of Public Works Design Standards Manual. New projects shall connect to the City sewage disposal system. No subdivisions shall be permitted if all of the lots are not to be connected to the City's sewage disposal system.

§17.29.200. Electric Power and Street Lights

- A. The proponent shall be required to provide for power and telecommunication distribution and service lines and shall be responsible for the installation of street and yard lighting as required by the Department of Public Works and the Light and Power Department.
- B. The replacement, maintenance, and repair of the City's power and telecommunication distribution network, excepting the installation of new substations, shall not be subject to the design review process.
- C. New power and telecommunication distribution and service lines shall be located underground. Where underground placement is infeasible due to terrain, soil conditions, water table, etc., new power and telecommunication lines shall utilize existing distribution systems if available. If new power and telecommunication lines are being extended into an area currently devoid of any existing infrastructure or services, above ground installation may be permitted.
- D. Wireless Telecommunication Facilities are regulated under Chapter 17.38 and not Section 17.29.200.
- E. High voltage transmission lines serving regional needs are exempt from these requirements.

**§17.29.210. Dedication of Water Rights**

Water rights equivalent to the amount of increased water demand created by the Subdivision, Conditional Use, or Design Review Permit shall be dedicated to the City of Logan. The amount of dedication shall be determined in accordance with R309-510-7 "Source Sizing," of the Utah Administrative Code. Submittal of proposed water rights to be dedicated to the City and calculations of required amounts to be dedicated shall be submitted to Public Works for approval. Additional available water rights may be offered to the City for purchase at fair market value.

§17.29.220. Warranty

Public improvements performed by or on behalf of private development shall be guaranteed for a period of two (2) years after the date of acceptance. The improvements shall be

guaranteed against settlement, break up, failure or inability to satisfactorily function as required, lack of adequate drainage. The City may require or retain security to assure performance of improvements during the guarantee period.

§17.29.230. Delay Agreements

The Director of Public Works may enter into a recorded agreement with a property owner to defer the construction of improvements to a future date. The improvements shall be constructed within five (5) years of the date of the agreement. In cases where the City will be undertaking similar improvements to the same street, and such improvements have been scheduled, a longer period may be approved by the Director of Public Works. Improvement security, in the amount of 125% of estimated construction costs, may be required as a part of the delay agreement.

§17.29.240. Parks, School Sites, Public Places

A. Park Sites.

1. New residential development may be required to dedicate park space equal to the project's proportion of required parkland area as defined in the General Plan.
2. If additional park land is required for dedication in excess of the project's fair share, the City may negotiate to purchase the parkland at a value in conformance with laws related to municipal property acquisition.
3. In lieu of acquiring parkland within the residential project, the Planning Commission may require that the proponent provide funds in lieu of land dedication to the City for acquisition of parkland in conformance with Council policy or adopted impact fees.

B. School Sites.

The Planning Commission may require a subdivider or residential development to reserve sites for new schools if requested by the Logan School District. The District shall be responsible for the financial guarantees or requirements of such action.

C. Public Facilities, Road Rights-of-Way, and Public Utility Easements.

1. The City may require a proponent to reserve lands within a project site for a public facility. Such request shall be made in conformance with the laws related to municipal property acquisition.
2. The City may require dedication of lands for public utility easements, road right-of-way, and other public purposes without compensation in conformance with the requirements of Utah law and this Title.

§17.29.250. Common Area Development Requirements

- A. Developments with common areas or facilities shall be owned and managed by a "homeowner association" as defined in U.C.A. §57-8a-102.
- B. The homeowner association shall adopt City approved covenants, conditions and restrictions (CC&Rs), bylaws and rules for the association. The bylaws and rules for the association shall provide for enforcement of the CC&Rs, including assessing fines for violations.
- C. Prior to the issuance of any permits, the developer shall file a lien in favor of the homeowner association against each residential lot equal to the pro rata share of ten percent (10%) of the total cost of the common area and facility improvements. Upon payment of the liens, the homeowner association shall place the proceeds in a restricted fund to be used solely for the maintenance, repair and replacement of the common area and facility improvements.

Chapter 17.30: Supplemental Development Standards

§17.30.010 Purpose

This Chapter establishes miscellaneous land development standards which are generally applicable to more than one zone. The requirements of this Chapter shall be in addition to the requirements contained in the provisions of each respective zone and/or other chapters of this Title.

§17.30.020 Natural Features

A. The provisions of this Section apply to any development site which includes trees that are greater than 6 inches Diameter at Breast Height (DBH), or contain natural features such as significant trees and tree groves, wetlands, rock outcroppings, natural springs, or similar feature. The intent of these regulations is not to penalize development, but rather, to maintain or enhance the existing significant natural features within the City of Logan.

B. Standards.

1. The site plan shall identify the location of any natural features and trees that are greater than 6 inches DBH.
2. Trees shall be irrigated during construction and protected from construction damage.
3. Heavy equipment, travel, parking, and storage of construction waste, materials, or topsoil or grading within the dripline of trees to be protected is prohibited.
4. Existing trees, distinctive landforms, and rock formations shall be incorporated into the development whenever feasible
5. The application shall include a statement of how the natural features on-site have been preserved and incorporated into the development plan as an amenity.



Natural features of a site are opportunities to add interest and a unique quality to the development of a site. Integrate nature features into the design of building layout, parking, and other site improvements.



Development shall be designed to avoid natural hazards including steep slopes, natural drainages, potential landslide areas, and land below water courses.

§17.30.030 Cultural Resources

A. The provisions of this Section apply to any development site which includes any feature that could be considered culturally significant to the City of Logan.

B. Standards.

1. Cultural resources found within a development site shall be preserved in place and immediately reported to the Director.
2. The Director shall notify the Utah State Historic Preservation Office (SHPO) and provide opportunity for comment.
3. To the extent possible, new development shall preserve the cultural resource in place and consider incorporating it into the new development.
4. When preservation is not feasible, the resource shall be documented in the SHPO or local historic commission archives before it is altered, removed, or demolished.

§17.30.040 Community Views

A. The provisions of this Section applies when a proposed development site lies partly within a significant community view or has the potential to negatively impact a significant community view. A significant community view is defined as a substantial view of the following from a public way:

1. Surrounding mountains and foothills;
2. Rivers and riparian areas supporting large groves of old willow and poplar trees;
3. Open lands and agricultural fields;
4. Natural hillsides separating the “island area” from the benches to the north and the south;
5. Unique natural land formations;
6. Streets that are shaded by mature, evenly spaced trees arching over the street;
7. Individual historic buildings throughout the valley and city;
8. Historic districts containing many older structures; and
9. Park facilities.

B. Standards.

1. New development shall, to the extent possible, be sited to minimize view obstruction and/or step down the building mass to maintain views.
2. In the Design Review process, the City may vary the dimensional requirements of the zone by up to 20% to allow a development to position a building to one side of a site, or increase the height for a portion of the building, for example, in order to maintain a view corridor.



Development should consider ways to protect significant view corridors for all new development.



Buildings should be located to take advantage of scenic views and landmarks.

§17.30.050 Topography

A. This Section applies to any development located within the City that has a natural grade greater than 10% on any portion of the site.

B. Standards.

1. Cut and fill activities shall be minimized. Where they are necessary, or permitted, the following standards shall be met:
 - a. Large grade changes shall be divided into a series of benches and terraces;
 - b. Where feasible, streets and roads shall be aligned to run with the topography to minimize the slope;
 - c. The Director of Public Works may allow narrow streets where it is necessary to reduce cut and fill; and



Prohibited: Excessive slope cuts and high retaining walls are prohibited.

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- d. All cut and fill areas shall be graded and landscaped so that they appear to be a “natural” slope.
 2. Retaining walls shall blend with the natural features of the surrounding area by satisfying the following:
 - a. Walls shall be constructed of rock where practical. Masonry or concrete utilizing split face block, scored, textured, or stained concrete, rock veneers, or other similar methods, may be substituted for rock wall construction provided that the finished product conveys a scale, texture and color similar to rock.
 - b. Retaining walls shall be limited to an average height of 4 feet unless the Director approves taller walls due to unique site conditions. Multiple walls shall incorporate a variety of heights to achieve a more naturalistic finished grade.
 - c. Long straight wall sections shall be avoided. Walls should follow natural contour alignments.
 3. Parking areas located on steep slopes shall be broken into smaller parking areas that blend into the natural contours by utilizing a combination of terracing, landscaping, and walkways.

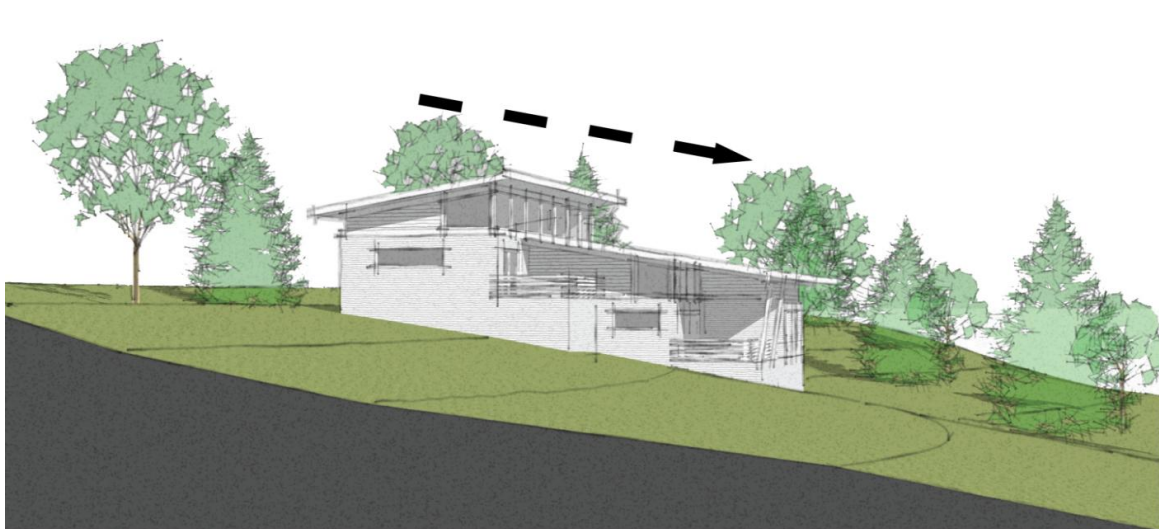


Where parking and other site functions are located on steep terrain, terracing of the site is required.



When retaining walls are required on a site, multiple terraced walls shall be used over single high walls.

Figure 17.30.050.A: Building with Topography



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§17.30.060 Site Furnishings

- A. Materials for site furnishings shall match and/or complement the color and character of the surrounding buildings, spaces, and uses. Material must be durable for public use and must require minimal maintenance.
- B. Site furnishings shall be located where they will be most beneficial to the business patrons and general public. For example, site furnishings shall be located adjacent to a public entrance, street, along the sidewalk, or in other locations where people gather to take advantage of a use on the site, or to view amenities of the site.
- C. Trash enclosures, on-site lighting, wheel stops, and similar items regulated by other subsections are not considered site furnishings for the purposes of this subsection.



Site furnishings shall be in character with the design of the surrounding buildings or project.

§17.30.070. Public Transit Access, Benches, and Shelters

New development located along a corridor served by the Cache Valley Transit District shall provide conveniently accessible sidewalks from the building entrance to the transit shelter. When a transit stop is located adjacent to the development site, the developer may be required to provide transit improvements proportional to the increase in transit use. The developer shall work with the Cache Valley Transit District to determine whether a bus pullout adjacent to the outside lane, or a visible, covered shelter with seating and appropriate lighting is necessary.



Bus stops shall be located adjacent to public walkways and connected to the sitting areas with concrete walks.

§17.30.080 Utilities and Service Areas

- A. The provisions of this Section apply to all new commercial, industrial and multi-family residential development subject to design review to ensure that utility and service uses are screened, located, and designed in a manner that minimizes visual distractions and which separate the public and adjacent properties from hazards.
- B. Standards.
 1. Solid waste receptacles, recycling bins, refuse storage, and similar uses shall be enclosed and oriented to service lanes away from major streets. Screening shall comply with 17.32.050.
 2. Trash enclosures shall meet the following design standards:



Required: Integrate and screen service areas with the design of the site to be visually unobtrusive.

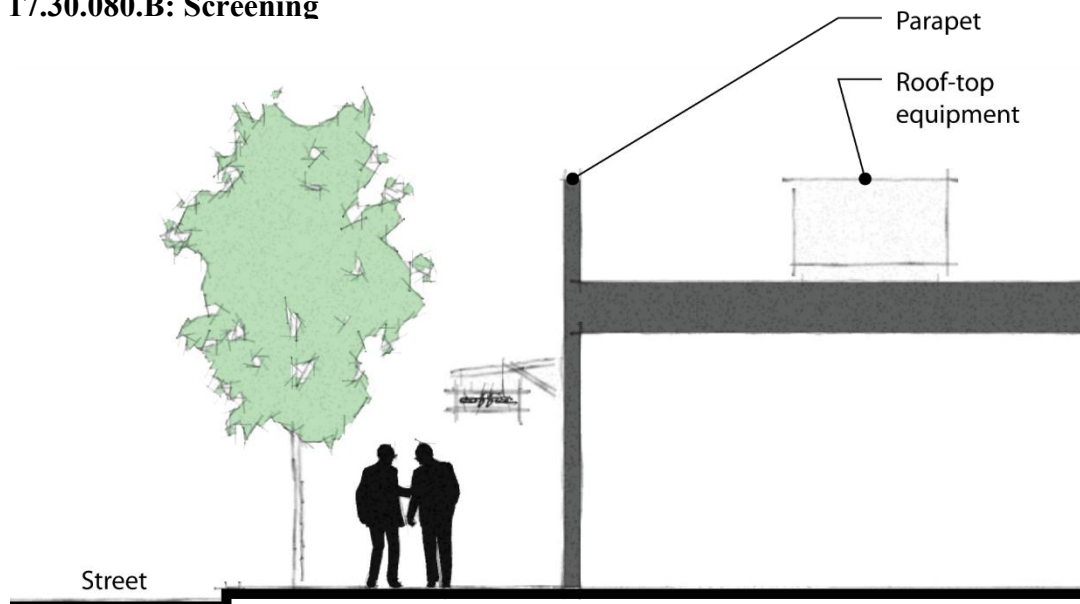
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- a. Solid waste receptacles, recycling bins, refuse storage, and similar uses shall have minimum dimensions of 10 feet in depth, an opening of at least 12 feet in width for a single bin enclosure, and 22 feet in width for a two bin enclosure;
 - b. Solid waste receptacles, recycling bins, refuse storage, and similar uses shall be surrounded by a 6-foot-high masonry or concrete wall with screened gates;
 - c. A 6-foot-high chain link fence with a 6-foot-high solid landscape screen, consisting of a combination of landscaping and berm, may be substituted in lieu of the wall;
 - d. The enclosure materials shall match the color and/or the materials of the main structure;
 - e. Steel encased, concrete filled bollards shall be placed around the enclosure to protect them from vehicles;
 - f. Exceptions to the minimum dimensional standards may be approved by the City of Logan Solid Waste Division; and
 - g. Service areas shall be located and screened in a manner that minimizes noise impacts to the adjacent areas.
- C. Depending upon the compatibility of a project with adjoining zoning and land uses, roof top mechanical equipment may be required to be fully screened from public view by parapet walls or similar screening devices which are a continuation of the building's architecture. All ground level mechanical equipment shall be located to the side or rear of buildings and may be required to be screened from public view with landscaping, fencing or other forms of screening.



The design of the service canopy is simple and non-obtrusive. Landscaping has been included to appropriately screen and enhance the service area.

Figure 17.30.080.B: Screening

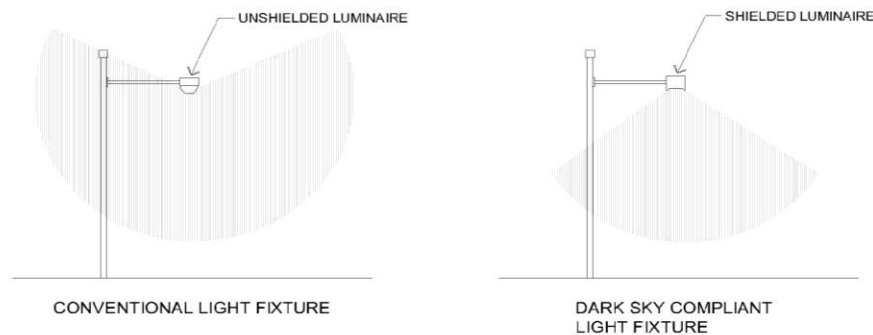


§17.30.090 Exterior Lighting

- A. The purpose of this Section is to provide for adequate and appropriate site lighting that increases nighttime visibility, adds aesthetic quality, and improves safety. These standards are designed to enhance night vision while mitigating glare and light pollution. All exterior lighting shall be designed and located to minimize glare, light trespass, skyglow and energy waste.
- B. Use of Luminaires.
 - 1. No unshielded or clear glass luminaires are permitted. All exterior lighting shall have the light source downcast and fully shielded from view with the following exceptions:
 - a. If the luminaires are less than one thousand (1,000) lumens per fixture (equal to one sixty (60) watt incandescent lamp) provided the luminaire has an opaque top or is under a solid overhang;
 - b. Floodlights with external shielding of the light source and is angled down toward the ground at thirty (30) degrees or less;
 - c. Temporary lighting needed by emergency services;
 - d. Lighting for United States of America and State of Utah flags;
 - e. Lighting of telecommunication towers to meet Federal Aviation Administration regulations;
 - f. Lighting associated with an approved and permitted exterior sign;
 - g. Luminaires used only to light athletic fields and courts when all reasonable measures have been taken to minimize lighting of surrounding properties. All adjacent luminaires surrounding the athletic complex are not exempt; or
 - h. Exterior emergency exit lighting.
- C. Standards.
 - 1. Height and Location.
 - a. Lighting height and location shall be designed to illuminate the site only. Light cut-offs are required to prevent spillover of direct light.
 - b. Luminaire fixtures and supporting structures shall be placed on the same property as intended to light.
 - c. Parking area and exterior freestanding luminaires shall be no taller than 32 feet, including the pole and base. When projects are adjacent to residential zones, freestanding luminaires on the perimeter closest to the residential zone shall be no taller than eighteen (18) feet.
 - d. Freestanding luminaires on private property in residential zones shall be no taller than twelve (12) feet.
 - e. Luminaires for public street lights and athletic fields are exempt from height regulations.
 - f. Soffit and canopy lighting shall be recessed or flush mounted to the bottom surface of the structure.
 - g. Pedestrian street lights or lampposts are required within the Town Center, Mixed Use, and along Main Street within any other district, and may be required in other zones subject to design review approval.
 - h. Pedestrian street lights or lampposts shall be mounted between 8' to 16' above grade to provide continuous illumination of all street sidewalks, and shall reflect the architectural design and characteristics of the surrounding area.
 - i. Exterior building lights affixed to buildings on street-front elevations shall be mounted between 6' and 14' above adjacent grade.
 - 2. Visual Characteristics.
 - a. All public areas shall be lighted with average minimum and maximum levels as follows:

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- 1) Minimum (for low or non-pedestrian and vehicular traffic areas) of 0.5 foot candles;
 - 2) Moderate (for moderate or high volume pedestrian areas) of 1-2 foot candles; and
 - 3) Maximum (for high volume pedestrian areas and building entries) of 4 foot candles.
 - b. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
 - c. Up-lighting is not permitted, except as approved through design review for highlighting signature landscape features or building elements.
 - d. HID or fluorescent tube lights (except compact fluorescent bulbs) are not permitted as exterior building lights.
- D. Compliance of Existing Nonconforming Luminaires.
Remodeling or redeveloping of properties that require a building permit or a result in a ten percent (10%) increase in floor area will require full conformance with this Chapter.

Figure 17.30.090.C: Exterior Lighting Cross Section**§17.30.100 Fences & Walls**

This Section regulates the minimum and maximum fencing standards for residential, commercial and industrial areas within Logan City. These standards are applicable to all public and private development, unless otherwise specifically stated.

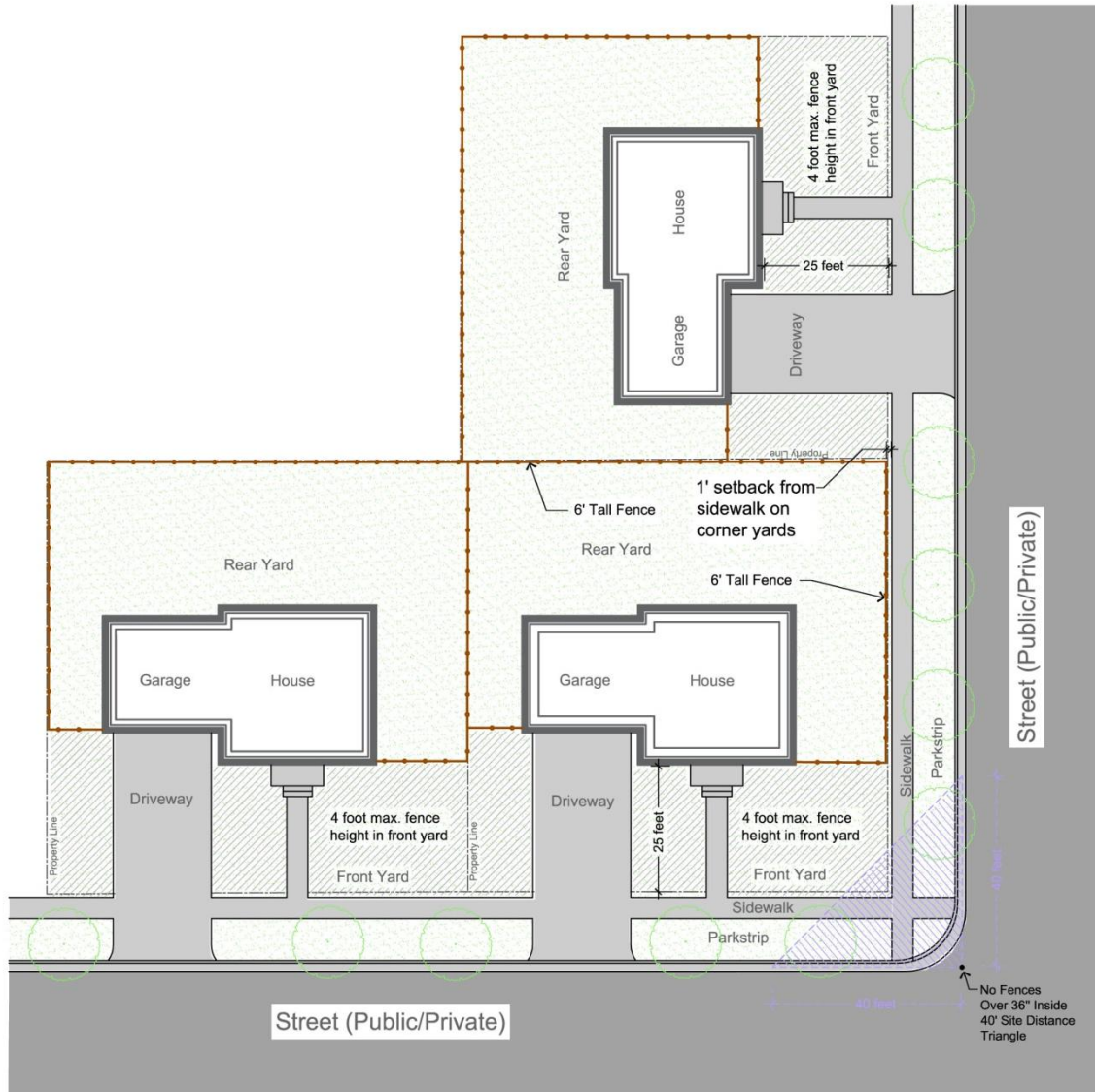
§17.30.110 Fences and Walls – Residential Standards

- A. Front Yards. Fences and walls are allowed in the front yard provided they do not exceed a maximum height of four (4) feet (See Figure 17.30.110.A.1).
- B. Side and Rear Yards. Fences and walls are allowed in the side and rear yard provided they do not exceed a maximum height of six (6) feet.
- C. Corner Lots.
 1. Any fence or wall within the front yard shall not exceed four (4) feet in height.
 2. In the side yard fronting on a street, a fence or wall located within the side setback is permitted provided the fence or wall does not exceed a maximum height of six

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(6) feet, shall be located outside of the minimum 40-foot sight distance triangle and is located behind the front plane of the building.

Figure 17.30.110.A.1: Residential Fence Placement



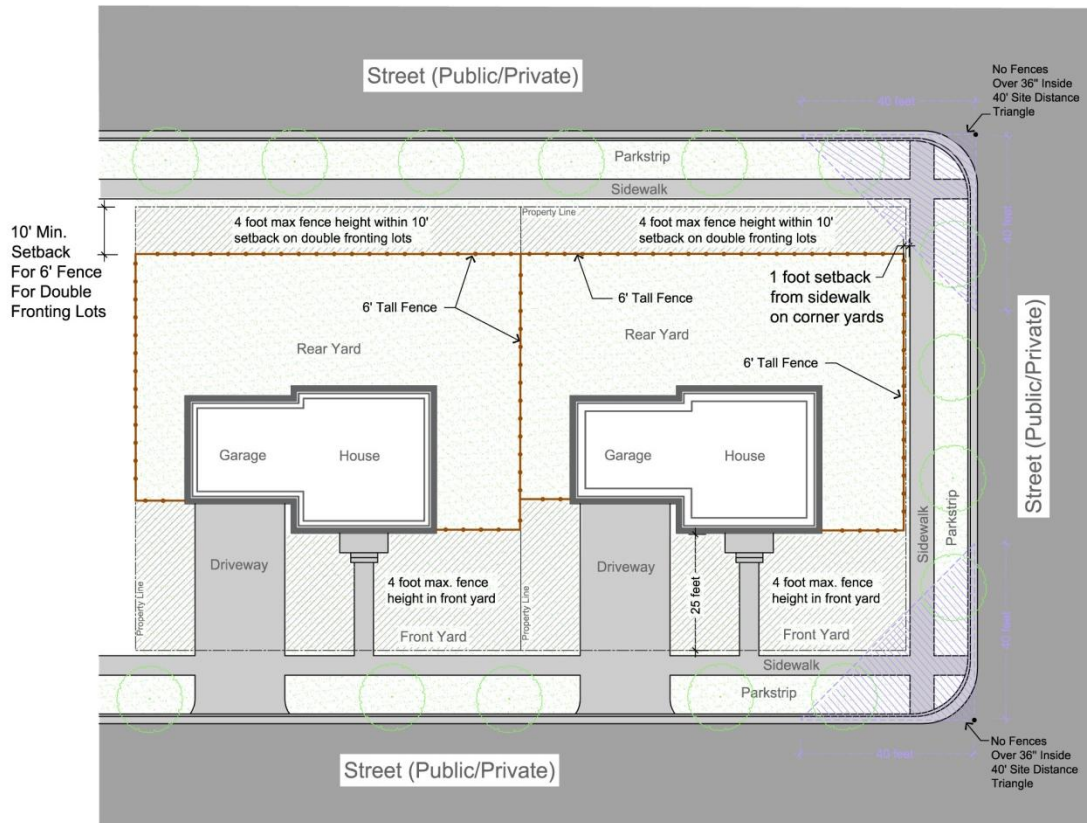
D. Lots with Multiple Frontages.

- Any fence or wall located to the rear of the primary structure and adjacent to a roadway, shall not exceed four (4) feet in height. Fences or walls outside of the rear yard setback and outside the 40-foot sight distance triangle shall not exceed six (6) feet in height (See Figure 17.30.110.D.1).
- The yard area located between the fence and public sidewalk shall be landscaped and maintained by the property owner or homeowners association.

E. Fence Posts, Gate Posts, Pillars, and Support Columns.

Such structures may extend 12 inches above the maximum fence height when separated by at least six (6) linear feet of fencing.

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Figure 17.30.110.D.1: Multi-Frontage Lot - Residential Fence**F. Measurement of Fence Height.**

The fence height shall be measured from the highest existing grade within a ten (10) foot radius of the proposed fence location. It is prohibited to build grade up to a higher level in order to increase the height of a fence.

G. Measurement of Fence Height on top of a retaining wall.

The combined height of a fence and a retaining wall shall not exceed ten (10) feet in height as measured from the bottom of the wall (6 feet max fence height and 4 feet max retaining wall height).

H. Prohibited Fences.

1. Razor wire;
2. Barbed wire, unless associated with an agricultural operation;
3. Electrically charged fencing, unless associated with an agricultural operation;
4. Chain link is prohibited in any street facing yard;
5. Highly reflective or metallic fencing or wall materials;
6. Tarps, stacked debris or similar materials are not permitted as fencing or wall material; or
7. No fences are allowed within 15' of the top of canal bank unless written approval is granted by the canal company.

I. Temporary Fences.

A temporary fence may be approved by the Director for the purpose of protecting or securing a site in conjunction with an active building permit, demolition permit, site clean-up permit, special event permit, or other similar type of permit. The duration of

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use shall be stated in the application for a fence permit. A temporary fence may be up to six (6) feet in height, may be located in all yards, and shall not block or impede public property or rights of way without express written approval from Logan City.

§17.30.120 Fences and Walls – Commercial & Industrial Standards**A. Front Yards.**

Fences and walls are allowed in the front yard provided they do not exceed a maximum height of four (4) feet.

B. Side and Rear Yards.

Fences and wall are allowed in the side and rear yard provided they do not exceed a maximum height of eight (8) feet.

C. Corner Lots.

1. Any fence or wall within the front yard shall not exceed four (4) feet in height.
2. In the side yard fronting on a street, a fence or wall located within the side setback is permitted provided the fence or wall does not exceed a maximum height of six (6) feet, shall be located outside of the minimum 40 foot sight distance triangle and is located behind the front plane of the building.

D. Lots with Multiple Frontages.

1. Any fence or wall within the rear yard setback shall not exceed six (6) feet in height. Fences or walls outside of the rear yard setback and outside the 40 foot sight distance triangle shall not exceed eight (8) feet in height.
2. The yard area located between the fence and public sidewalk shall be landscaped and maintained by the property owner.

E. Fence Posts, Gate Posts, Pillars, and Support Columns.

Such structures may extend 12 inches above the maximum fence height when separated by at least six (6) linear feet of fencing.

F. Measurement of Fence Height.

The fence height shall be measured from the highest existing grade within a ten (10) foot radius of the proposed fence location. It is prohibited to build grade up to a higher level to increase the height of a fence.

G. Measurement of Fence Height on top of a retaining wall.

The combined height of a fence and a retaining wall shall not exceed ten (10) feet in height as measured from the bottom of the wall (6 feet max fence height and 4 feet max retaining wall height).

H. Prohibited Fences.

1. Razor wire;
2. Electrically charged fencing, unless associated with an agricultural operation;
3. Highly reflective or metallic fencing or wall materials;
4. Tarps, stacked debris or similar materials are not permitted as fencing or wall material; or
5. No fences are allowed within 15' of the top of canal bank unless written approval is granted by the canal company.

I. Temporary Fences.

A temporary fence may be approved by the Director for the purpose of protecting or securing a site in conjunction with an active building permit, demolition permit, site clean-up permit, special event permit, or other similar type of permit. The duration of use shall be stated in the application for a fence permit. A temporary fence may be up to six (6) feet in height, may be located in all yards, and shall not block or impede public property or rights of way without express written approval from Logan City.

§17.30.130 Fences Permit Required

Fences and walls shall have a permit issued by the Department of Community Development prior to installation.

A. Fences.

1. All fences and walls shall have a permit issued.
2. Applications shall require dimensioned drawings showing the layout and location of all proposed fences and walls.
3. Applications shall indicate fence height and materials for all proposed fence sections.
4. Some fences or walls may require an additional approval from the Planning Commission, the Historic Preservation Committee, or both.

B. Inspections may be required upon receiving a citizen complaint, or if determined to be unsafe by the Chief Building Official.

C. Failure to obtain a fence permit may result in enforcement action pursuant to Chapter 17.60.

§17.30.140 Fence and Wall Location Standards

Any fence or wall section on private property shall not be installed within a right of way or an easement without written permission from the City or easement holder.

§17.30.150 Maintenance Required

The property owner is responsible to repair, replace or remove any unsafe or structurally unsound sections of fencing or walls. If a fence or wall is more than twenty (20) degrees beyond plumb or determined so by the Chief Building Official it shall be considered structurally unsafe.

§17.30.160 Pedestrian and Bicycle Circulation

A. This section establishes standards and regulations for safe and efficient pedestrian and bicycle circulation within and between all new development.

B. Standards.

1. Site Layout and Design.

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system within the project boundaries.

2. Continuous Walkway System.

The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement.

3. Safe, Direct, and Convenient Walkways.

Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following:

- a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or does not involve a significant amount of out-of-direction travel for likely users.
- b. Safe and convenient. Routes that are reasonably free from hazards and provide a direct route of travel between destinations.
- c. The “Primary entrance” for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case

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- where no public entrance exists, street connections shall be provided to the main employee entrance.
- d. The “Primary entrance” for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.
4. Connections within Development shall be required as follows:
- a. Walkways shall connect all building entrances to one another and to adjacent streets to the extent practicable, as shown in Figures 17.30.160.B.1 and 17.30.160.B.2.
 - b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.
 - c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4 feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

Figure 17.30.160.B.1: Pedestrian Access

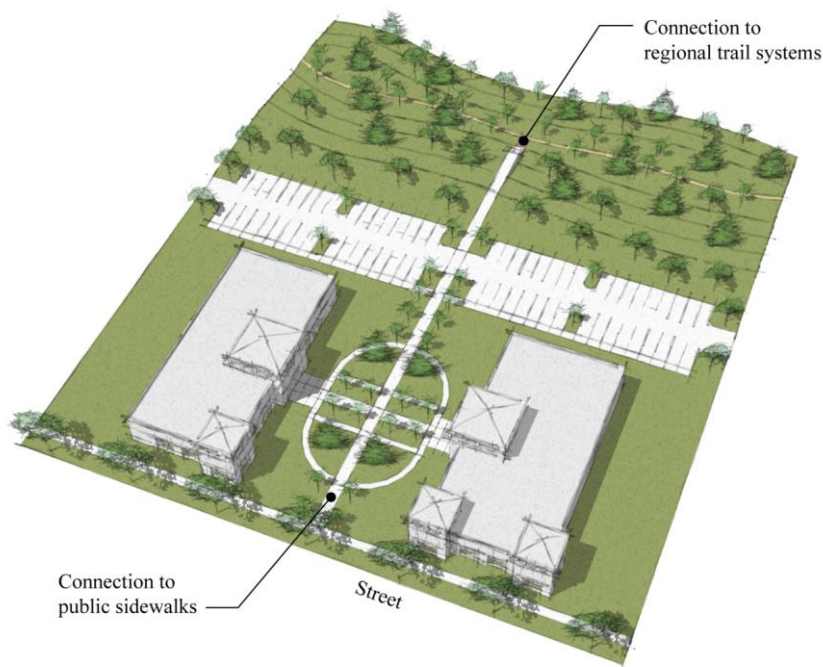
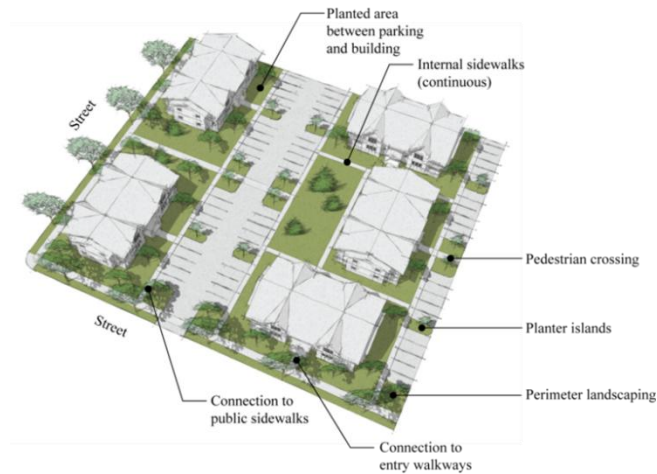


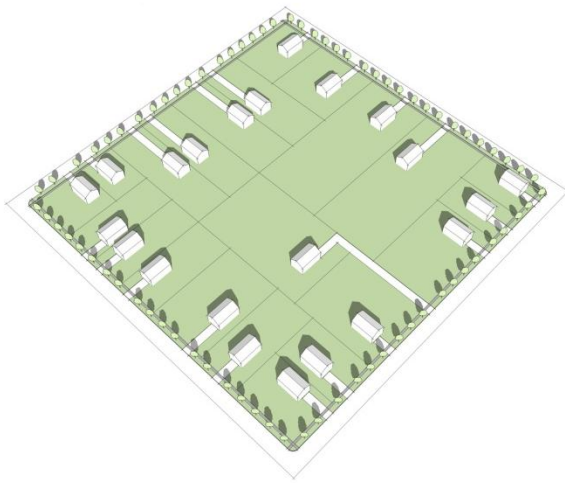
Figure 17.30.160.B.2 Pedestrian Pathway System for Multifamily Development (Typical)



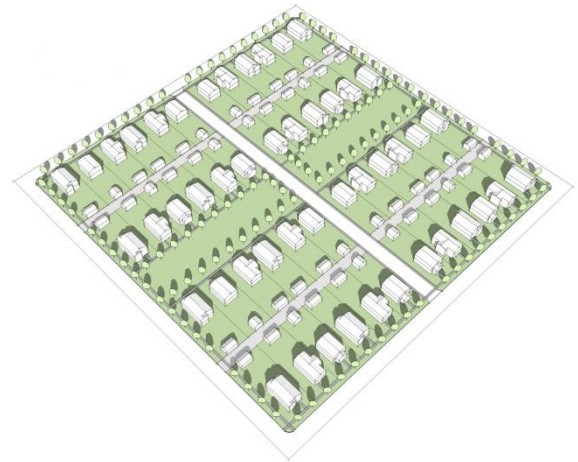
§17.30.170 Connectivity Standards

- A. All streets must connect to other streets, forming a grid street pattern that extends Logan's historic street grid. Mini-blocks are the preferred road configuration (See Figure 17.30.170.A.1), except where physical conditions of the site or abutting properties preclude street connections. Wherever the street layout cannot conform exactly to the grid pattern due to topographic constraints, pre-existing development patterns, or the presence of critical areas, a modified grid which provides a close match shall be achieved.
- B. Stubbing of streets to allow for future street extensions through adjoining developable parcels is required for all new developments. The street system shall be designed to connect with existing, proposed, and planned streets outside of the development. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Chief. The restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- C. The installation of street stubs to connect with future development on adjoining parcels is consistent with the connectivity requirements of this Chapter; however, all development will be reviewed for impacts created by incremental growth including an analysis of the impacts on future connectivity and compliance with minimum fire access requirements. Depending upon the project location and regardless of the number of dwelling units or lots proposed within a specific phase, stubbing a road for a future connection to an adjoining parcel may be determined to be inadequate. Logan City may require, as a condition of project approval, that rather than install a street stub, the proponent is required to construct a public road connecting to a public roadway consistent with the provisions of this Title and Fire Code access requirements.
- D. The hearing body may grant adjustments to the standards in Sections 17.30.160 and 17.30.170 upon finding that the proposal is consistent with the purpose of the zone in which it is located, is consistent with the intent of this section, and there are no practical design alternatives for complying with the subject standard.
- E. Street and pedestrian connections as well as connection spacing (block length) shall be provided as shown in Tables 17.30.170.E.1 and 17.30.170.E.2, unless modified through the review process or due to other provisions of this Title.

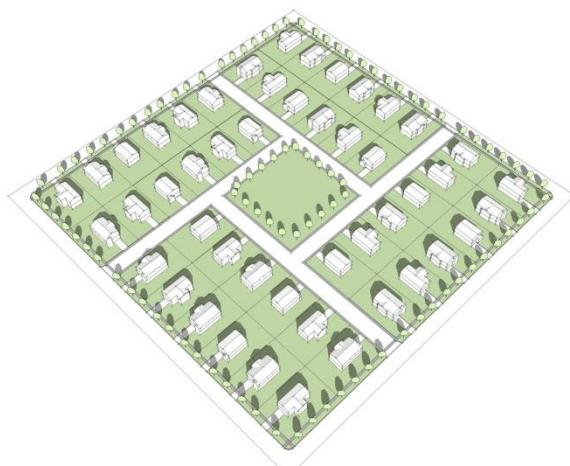
Figure 17.30.170.A.1: Examples of Mini-block Configurations



Sample Existing Block



Courtyard and Alley Block



Pinwheel Block



Mixed Use Block

Table 17.30.170.E.1: Street and Pedestrian Connection Spacing. Exceptions may be granted by decision makers based on 17.30.170.A.B.C.D.

Block Type	Maximum Spacing Between Streets	Maximum Spacing Between Pedestrian Connections
Block	660'	660'
Superblock	1320'	1320'
Mini-block	330'	330'

Table 17.30.170.E.2: Minimum Number of Street Connections for Single and Multi-Family Residential Development. Exceptions may be granted by decision makers based on 17.30.170.A.B.C.D.

Number of Residential Units Served	Number of Connections
Greater than 51	3
21-50	2
1-20	1

§17.30.180 Flag Lot and Middle of the Block Infill Development Standards

- A. The standards in this Section only apply to new single and multi-family residential development proposals within the interior of existing Logan Blocks where development exists around at least 50% of the perimeter of the block and the proposed project site is below lot width or building frontage requirements and contains at least one new proposed residential building that is not adjacent to public streets.
- B. Single Family Detached Flag Lots. Single Family detached residential flag lot subdivisions of up to two (2) total lots, including the existing lot, shall meet the following standards (see Figure 17.30.180.B.1):
1. Minimum Lot Size. The minimum size of a proposed new flag lot and the existing base lot shall both meet minimum standard lot size of the zoning district.
 2. Shared Driveway Standards. Access to the new flag lot shall be a minimum 20' wide paved shared driveway. Sidewalks, curb, gutter and parkstrip are not required. The shared driveway shall maintain a two (2) foot setback from all adjoining property lines and an eight (8) foot setback from existing residential structures Road Standards.
 3. Building Setbacks. New homes shall have a 20' front setback from the paved edge of the shared driveway to ensure adequate parking. All side and rear setbacks shall be 125% of the zoning district for additional buffering.
- C. Single Family Detached Middle of the Block Infill. Single Family detached subdivisions of three (3) to six (6) total lots, including the existing lot, shall meet the following standards.
1. Minimum Lot Size. The minimum size of proposed new building lots shall be 125% of the minimum lot size in the zoning district. The base lot shall meet the minimum lot size of the zoning district.
 2. Private Access Road Standards. The private road accessing the new single-family homes shall be provided within a separate right of way and may terminate with a cul-d-sac, loop or approved emergency vehicle turn-around. The private access

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road shall contain two vehicular travel lanes at 10 feet wide each and one lane of on-street parking at an 8-foot minimum width. The on-street parking can be removed from the cross section for up to 30% of the overall road length to help overcome pinch-point areas of the project site. Curb and gutter are required along both sides for the entire length of access road. A 4-foot sidewalk is required along the top edge of the curb on one side of the road for the entire length. The private access road and sidewalk shall maintain a minimum 2-foot setback to surrounding property lines and an 8-foot setback to existing residential structures.

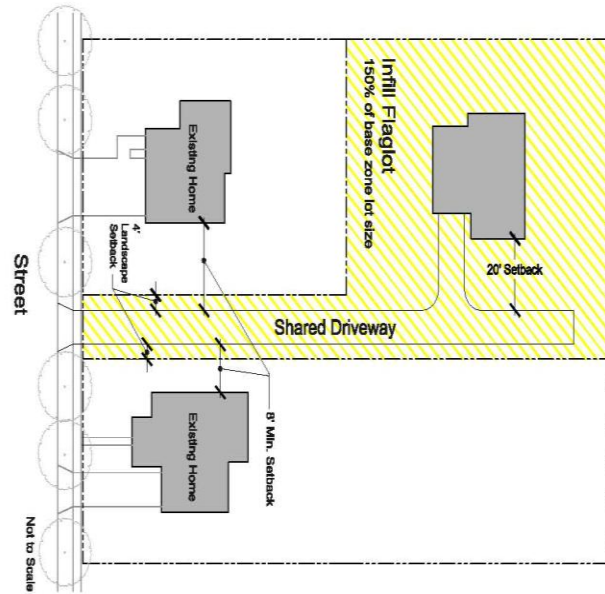


Figure 17.30.180.B.1: Infill and Flaglot Development Standards

3. Building Setbacks. New construction shall meet minimum setbacks of the underlying zoning district.
- D. Single Family Detached Middle of the Block Infill resulting in seven (7) or more new single-family lots shall comply with standard public specifications and zoning regulations.
- E. Multi-Family Flag Lots. Multi-Family residential development resulting in one new building lot and up to a maximum of two new dwelling units (new duplex) shall meet the following standards:
 1. Minimum Lot Size. The minimum lot size will be based on maximum density and minimum required open space for the zoning district.
 2. Shared Driveway Standards. Access shall be provided on a 20' wide minimum paved shared driveway. Sidewalks, curb, gutter and parkstrip are not required. The shared driveway shall maintain a two (2) foot setback from adjoining property lines and an eight (8) foot minimum setback from existing residential structures.
 3. Building Setbacks. New buildings shall have a 20' front setback from the shared driveway for adequate parking. All side and rear setbacks shall be 150% of the zoning district.
- F. Multi-Family Middle of the Block Infill. Multi-Family residential development resulting in three (3) to twenty (20) new dwelling units shall meet the following standards.
 1. Minimum Lot Size. The minimum lot size will be based on maximum density and minimum required open space for the zoning district.
 2. Private Access Road Standards. The private road accessing the new multi-family homes shall be provided within a separate right of way and may terminate with a cul-d-sac, loop or approved emergency vehicle turn-around. The private access road shall contain two vehicular travel lanes at 10 feet wide each and one lane of on-street parking at an 8-foot minimum width. The on-street parking can be removed from the cross section for up to 30% of the overall road length to help

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overcome pinch-point areas of the project site. Curb and gutter are required along both sides for the entire length of access road. A 4-foot sidewalk is required along the top edge of the curb on one side of the road for the entire length. The private access road and sidewalk shall maintain a minimum 2-foot setback to surrounding property lines and an 8-foot setback to existing residential structures.

3. Building Setbacks. New residential structures shall meet 125% of minimum setbacks of the zoning district.
- G. Multi Family Middle of the Block Infill resulting in twenty-one (21) or more new dwelling units shall comply with standard public specifications and zoning regulations

§17.30.190 Future Street and Block Master Plans

- A. All new multi-family, commercial, mixed use, industrial, and public developments on sites larger than ten acres must include within their development proposal a plan illustrating how the subject property could be divided into Blocks or Miniblocks (see Figures 17.30.170.A.1 and 17.30.190.C.1).
- B. Initial development shall be sited so that future block creation is possible (see Figure 17.30.190.C.1.). Future development shall be sited so that new blocks are formed and the new infill development is oriented to streets and other public spaces (see Figure 17.30.190.C.2.).

Figure 17.30.190.C.1: Initial Site Design Creates Blocks

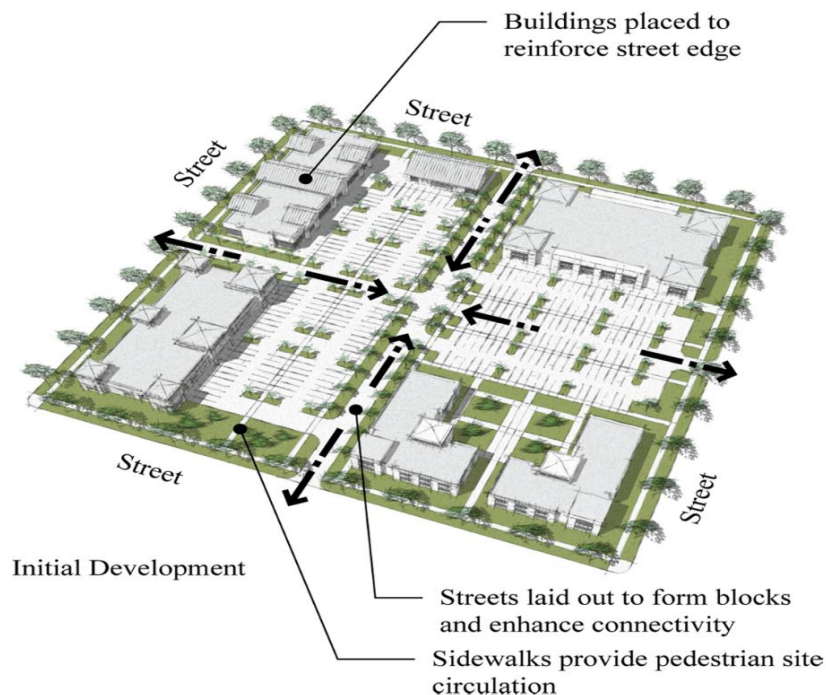
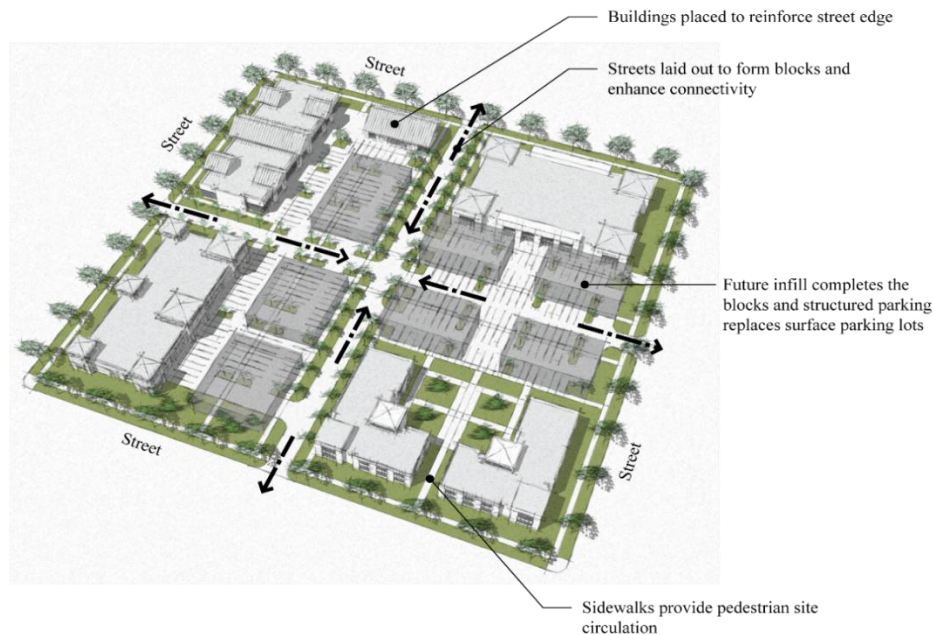


Figure 17.30.190.C.2: Complete Blocks Support Future Infill**§17.30.200 Outdoor Storage and Display – Commercial & Industrial Standards****A. Outdoor Storage Areas.**

Outdoor storage areas shall be paved with hard surface paving (unless otherwise approved by the Director) and screened with landscaping and either opaque fencing or a wall at least six (6) feet in height sufficient to screen the storage from view of a public street and adjacent residentially zoned properties. Outdoor storage is not permitted in the front yard and shall be at least 30' from any adjacent residentially zoned property.

B. Outdoor Displays in all Commercial and Industrial Zones.

Outdoor displays in front of buildings and within parking lots, e.g., automobiles, lawnmowers, snow blowers, trailers, tires, garden supplies, plants, sheds, fencing, building materials, and general merchandise, may be displayed in front of buildings and within parking lots provided said displays do not block pedestrian walkways, do not encroach into minimum required parking stalls for the business, maintain a minimum setback of 10' from driveways, and remain outside the minimum front yard setbacks for the underlying zone.

C. Outdoor Displays in the Town Center Zones (TC-1 & TC-2).

Outdoor displays for buildings in the TC-1 and TC-2 zones where the front of the building is adjacent to a public sidewalk, may display general merchandise within the first three (3) feet of the public sidewalk directly adjacent to the building front provided at least four (4) feet of public sidewalk remains clear for pedestrian travel, and all merchandise is removed from the sidewalk and stored inside the business after normal operating hours. Buildings in the TC-1 or TC-2 zone not directly adjacent to a public sidewalk and with a parking area between the building and the sidewalk shall adhere to the outdoor display standards in subsection 17.030.200.B.

D. Traffic and Pedestrian Safety.

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No outdoor displays shall be permitted to block required driveways, drive and parking aisles, required parking spaces, public rights-of-way, traffic visibility, nor be located upon any landscaped areas.

E. Prohibited Storage and Accessory Structures.

Shipping containers, semi-trailers, boxcars, or similar structures shall not be installed, stored, nor maintained in a yard (front, side, rear) of a commercial building fronting onto a public right of way, unless directly related to the purpose of that business.

Temporary placement and use of these types of accessory structures in a yard fronting onto a public right of way may be approved by the Director provided such duration is limited to 15 days or less.

F. The Director may waive some of the outdoor storage and/or display requirements for special events licensed by the City

Chapter 17.31: Parking

§17.31.010. Purpose

Establish standards for the development of parking facilities, access to private and public property, and ensure public health and safety with facilities which safely accommodate vehicles, bicycles, and pedestrians.

§17.31.020. General

A. Applicability.

1. New Development. The off-street parking standards of this Chapter apply to new development and a new use being established.
2. Expansions and Alterations. The off-street parking standards of this Chapter apply when an existing structure or use is expanded. Additional off-street parking spaces shall be required only to serve the enlarged or expanded area, not the entire building or use. The decision-making body may require increases in parking for non-conforming parking areas when found necessary to ensure adequate off-street parking.

Example: Implementation of Parking Requirements When A Business Changes Use In An Existing Building

1. A business which was required to provide 10 parking spaces and has done that vacates its site. A new business which then occupies the site requires 15 parking spaces. The new business is required to provide 5 more parking spaces.
2. A business has 8 parking spaces. The current code requires 10 spaces. The business vacates and a new business opens requiring 15 spaces. The new business only needs to provide 5 additional parking spaces. It is not required to resolve the deficiency of legally existing non-conforming parking spaces. Only a total of 13 parking spaces need be provided.

3. Change of Use. Off-street parking shall be required for any change of use or change of operation resulting in a requirement for more parking than the existing use. Additional parking shall be required only in proportion to the extent of the change, not for the entire building or use.
4. Areas for deliveries and loading shall be required as a part of the site plan review to ensure that loading and deliveries do not constrain fire access, street safety, or use public streets for deliveries.

B. No Reduction below Minimums.

Existing parking spaces shall not be reduced below the minimum requirements in this Chapter. Any change in use that increases applicable off-street parking requirements will be deemed a violation of the Land Development Code unless parking is provided in accordance with the provisions of this chapter.

§17.31.030. Off-Street Parking Schedules

A. Off-Street Parking Requirements.

Table 17.31.040 lists the minimum off-street parking requirement for each use category defined in the Land Development Code. These requirements apply unless an Alternative Parking Plan is reviewed and approved in accordance with section 17.31.060.

§17.31.040. Rules for Computing Requirements

The following rules apply when computing off-street parking and loading requirements:

- A. Multiple Uses. Lots containing multiple uses shall provide parking in an amount equal to the total of the requirement for all uses. The decision-makers may authorize a

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- reduction of minimum parking requirements up to twenty five percent (25%) of the total required stalls, when it can be found that the uses within the business or development share general customer traffic.
- B. Fractions. When measurements of the number of required spaces result in fractions, any fraction of one-half or less will be disregarded and any fraction of more than one-half will be rounded upward to the next highest whole number.
 - C. Area Measurements. Unless otherwise specifically noted, parking and loading standards are computed based on the gross floor area or gross leasable area.
 - D. Occupancy-Based Standards. Parking requirements based on employees, students, residents or occupants shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
 - E. Unlisted Uses. Upon receiving an application for a use not specifically listed in an off-street parking schedule, the Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with this chapter.
 - F. Unique Parking Characteristics and/or Requirements. Land uses with unique parking characteristics not specifically assignable to a use category in Table 17.31.040, shall submit an Alternative Parking Plan as specific in Section 17.31.050.
 - G. Deviation from Minimum or Maximum Parking Requirements. The number of off-street parking spaces specified in this Chapter shall not be exceeded nor reduced by more than twenty five percent (25%) of the minimum parking requirements where authorized.

Table 17.31.040: Parking by Land Use Category

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
Residential Uses			
Group Living	Assisted Living Center	1 per 4 beds, plus 1 per employee at largest shift	N/A
	Dormitories, Fraternities, Sororities	1 per occupant	0.5 per bedroom
	Nursing Home, Convalescent Home	1 per 4 beds, plus 1 per employee at largest shift	N/A
	Residential Group Home	1 per bedroom	1 per 2 occupants
	Residential Treatment Program where care, training, or treatment IS provided on site.	Alternative	N/A
Household Living	Multi-dwelling structures	2 per dwelling unit	0.5 per bedroom
	Multi-dwelling structures in the Campus Residential Zone	1 per occupant	0.5 per bedroom
	Single family dwelling	2 per dwelling unit	N/A
	Mixed Use Projects containing both Residential & Commercial Uses	Residential – see underlying zone Commercial – based on use type	0.5 per bedroom
Public/Institutional Uses			
	Mausoleum	Alternative	N/A

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Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
	Clubs, Lodges, similar uses	Alternative	1 per 20 spaces
	Day Care/Preschool	1 per 500 s.f.	1 per 10 Employees
	Hospital	1 per two beds plus 1 per employee at largest shift	1 per 20 spaces
	Libraries, Museums, Community Centers	Alternative	1 per 10 spaces
	Parks	Alternative	---
	Public Safety Service (Police & Fire)	Alternative	N/A
	Religious Institutions	1 per 4 persons of max. capacity ¹	1 per 30 spaces
Education/Schools	Schools, Colleges, Universities, Technical Colleges	Alternative	1 per 5 spaces
	Schools, Trade, vocational, or commercial	Alternative	1 per 10 spaces
	Schools, Private or Public (K-12)	Alternative	1 per 10 students
	Community Services	Alternative	1 per 20 spaces
Commercial Uses			
	Bank, savings and loans, or credit union (0-4 drive up lanes) ²	1 per 300 s. f., plus stacking per Table 17.31.070	1 per 10 spaces
	Bed and breakfast	1 per room plus 2 additional spaces	N/A
	Call Center	1 per each employee at largest shift	1 per 10 spaces
	Campground, RV or Tent	1 per RV pad/Tent pad, plus 2 additional spaces	N/A
	Clinic, medical, dental, or optical	1 per 300 s. f.	1 per 10 spaces
	Entertainment Event, Major	Alternative	N/A
	Entertainment Event, Minor	1 per 3 persons of max. capacity	N/A
	Golf Course	4 per green	N/A
	Hotel, Motel	1 per guest room, plus 4 additional spaces	N/A
	Indoor Commercial Shooting Range	Alternative	N/A
Office	Office - General business, government, professional, medical or financial	1 per 300 s. f.	1 per 10 spaces
	Office, Laboratory, scientific or research	Alternative	1 per 10 spaces
	Recreation, Commercial Recreation or Entertainment Facilities	Alternative	N/A
Sales & Service	Amusement, commercial indoor	1 per 500 s.f.	1 per 10 spaces
	Animal clinic or pet hospital	1 per 300 s.f.	1 per 10 spaces

¹ Parking may be increased for religious institutions that are found by the Director of Public Works to generate vehicle traffic in higher volumes than typical religious institutions.

² More than 4 drive-up lanes may be requested with a Conditional Use Permit.

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Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
	ATV's, Motorcycle, and Snowmobile sales, service and rental	1 per 400 s.f. of floor area	N/A
	ATV's, Motorcycle, and Snowmobile sales, service and rental	1 per 400 s.f. of floor area	N/A
	Automobile sales & rental	1 per 400 s.f. of floor area	N/A
	Automobile sales, small dealership	1 per 400 s.f. of floor area	N/A
	Automobile Repair	3 per service bay	N/A
	Automobile Service	2 per service bay	N/A
	Bar/Tavern	1 per 250 s.f.	1 per 10 spaces
	Car Wash	Stacking per Table 17.31.070	N/A
	Dancehall or nightclub	1 per 3 persons at max occupancy	1 per 10 spaces
	Fitness Center	1 per 500 s.f.	1 per 10 spaces
	Garden shop, plant sales, nursery	2 per 1,000 s.f. of storage area plus office area	1 per 10 spaces
	Gas Station/Convenience Store	1 per 250 s.f.	1 per 10 spaces
	General Sales/Service. Firms involved in the sale, lease or rent of new or used products to the general public. These firms may also provide personal services or entertainment, or provide product repair or services for consumer and business goods	1 per 250 s.f.	1 per 10 spaces
	Grocery store	1 per 500 s.f.	1 per 10 spaces
	Kennel	1 per 500 s.f.	N/A
	Mobile Home & RV Sales	Alternative	N/A
	Mortuary, Funeral Home	1 per 400 s.f.	N/A
	Package liquor store	State law preempts local zoning	
	Racquet, swim or other recreation club, private Indoor	1 per 500 s.f.	1 per 10 spaces
	Restaurant, General	1 per 150 s.f. of dining area	1 per 10 spaces
	Restaurant, Fast-Food	1 per 75 s.f. of customer service and dining area or 1 per 150 s.f., whichever is greater, plus stacking per Table 17.31.070	1 per 10 spaces
	Sales and Service, footprint greater than 100,000 sq. ft. (Big Box)	1 per 500 s.f.	1 per 20 spaces
	Storage, Commercial (Self Storage)	Alternative	N/A
	Studio, photographer, artist, music, dance, and drama	1 per 300 s.f.	1 per 10 spaces
	Theater	1 per 3 persons at max occupancy	1 per 10 spaces

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Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
Industrial Uses			
	Contractor supply with or w/o outdoor storage	1 per 500 s.f.	N/A
	Crematorium	Alternative	N/A
	Impound and Tow Lot	Alternative	N/A
Industrial Services	Industrial Services	1 per 1,000 s.f.	N/A
	Industrial machinery and equipment sales and service	1 per 2,500 s.f.	N/A
	Lumberyard	1 per 1,000 s.f. plus retail sales area	N/A
Manufacturing, Assembly or Production	Manufacturing, processing, fabrication, packaging, or assembly of goods	1 per each employee of largest shift	N/A
	Manufacturing, Light	1 per each employee of largest shift	N/A
	Truck Stop	Alternative	N/A
Warehouse and Freight Movement	Warehouse, Freight Movement	1 per 2,000 s.f. gross floor area	N/A
	Waste Related Uses	Alternative	N/A
	Welding/Machine Shop	1 per 500 s.f.	N/A
	Wholesale Sales and Service	1 per 300 s.f. office space & 1 per 2,000 s.f. of gross warehouse floor area	N/A
	Wrecking or Salvage Facilities, enclosed	Alternative	N/A
	Wrecking or Salvage Facilities, open	Alternative	N/A
Other Uses			
	Aviation, Bus, Rail Passenger Terminals	Alternative	N/A
	Detention Facilities	Alternative	N/A

§17.31.050. Alternative Parking Plan

An Alternative Parking Plan is a proposal to vehicle parking needs by means other than providing parking spaces on-site in accordance with the ratios established in this chapter. Proponents who wish to deviate from the minimum off-street parking requirements shall secure approval of an Alternative Parking Plan, in accordance with the standards of this section.

A. Procedures.

1. Plan Contents. An alternative parking plan shall detail the type of alternative proposed and the rationale for such a proposal. Plans shall be prepared by a professional licensed by the State of Utah.
2. Review and Approval.
 - a. The Director is authorized to review and act on Alternative Parking Plans if the plan proposes a reduction or increase of no more than fifteen percent (15%) in off-street parking spaces.

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- b. Alternative Parking Plans proposing a reduction or increase of more than fifteen percent (15%) requires approval through the Track 2 review process.
 3. A parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation Manual, or other acceptable estimates as approved by the Department of Public Works, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, location, or parameters of the use that may be estimated to parking requirements.
 4. The study shall document the source of data used, and methods used to develop the recommendations. After reviewing the parking study, the Director and the Department of Public Works shall establish a minimum off-street parking standard for the proposed use.
 5. Recordation of Approved Plans. A copy of an approved Alternative Parking Plan shall be submitted to the County Recorder's office for recordation. An Alternative Parking Plan may be amended by following the same procedure required for the original approval.
 6. Appeals of the decision may be made to the Land Use Appeal Board in accordance with the procedures of Chapter 17.50.
- B. Transportation Management Program.

The Director may authorize an alternative to the number of required off-street parking spaces for developments or uses that institute and commit to maintaining a Transportation Management Program, in accordance with the standards of this section.

 1. Required Study: The applicant shall submit a study that clearly indicates the types of transportation management activities and measures proposed.
 2. Posting and Distribution of Information: The distribution and posting of information from transit agencies and other sources of alternative transportation shall be a minimum requirement of this subsection.
 3. Transportation Management Activities: There is no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures will serve as a guide to eligible transportation management activities:
 - a. Transportation Coordinator: The appointment of a Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators shall be available to attend meetings and training sessions with the City or transit providers.
 - b. Off-Peak Work Hours: Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak commute periods as defined by the City Engineer, may be eligible for a reduction in otherwise applicable off-street parking requirements.
 - c. Preferential Parking: The provision of specially marked spaces for each registered carpool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements.
 - d. Financial Incentives: The provision of cash or in-kind financial incentives for employees commuting by carpool, van pool and alternative transit may be cause for a reduction in otherwise applicable parking requirements.
- C. Off-Site Parking.

Required parking may be located off-site, if approved as a part of an Alternative Parking Plan and in compliance with the following standards:

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1. Location. Off-site parking shall be located within a 600-foot radius from the use served. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet unless a grade-separated pedestrian walkway or other traffic control or safety device is provided.
 2. Agreement for Off-Site Parking. Off-site parking requires a written agreement that shall run with the land and which shall be recorded. A signed, notarized copy of the agreement between the owners of record shall be submitted to the Director for review and approval. Recordation of the agreement shall take place prior to the issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be eliminated only if the required off-street parking spaces are provided in conformance with the provisions of this chapter and as approved by the Director.
- D. Shared Parking.
- Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of an Alternative Parking Plan and if the shared parking complies with all of the following standards:
1. Location. Shared parking spaces shall be located within a 600-foot radius of all uses served,
 2. Shared Parking Study. A parking study prepared by a professional appropriately licensed by the State of Utah shall be submitted to the Director that clearly demonstrates the feasibility of shared parking. At a minimum, the study shall address the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 3. Agreement for Shared Parking. A shared parking agreement shall be enforced through written agreement among all owners of record. A signed, notarized copy of the agreement between the owners of record shall be submitted to the Director for approval prior to recordation. Recordation of the agreement shall take place prior to the issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if required off-street parking spaces can be otherwise provided, in conformance with the provisions of this Chapter.

§17.31.060. Findings

Excess parking may be approved upon substantiating the following findings:

- A. Demand for excess parking is ongoing and not based on a peak day, holiday or seasonal event;
- B. Unique parking needs do not allow necessary parking to be reasonably provided based on the requirements of this Chapter; and
- C. A Performance Landscape Plan has been submitted which demonstrates that the site can accommodate additional landscaping to compensate for and mitigate the impact from additional stalls.

§17.31.070. Vehicle Stacking Capacity in Drive-Through Lanes

Based on specific site requirements and business operations, Table 17.31.070 shall be used as a guide for the recommended stacking capacity.

- A. Standards for Design and Layout for Drive-through Facilities.
Required stacking spaces are subject to the following design and layout standards:
 1. Stacking space shall be a minimum of 8 feet by 16 feet in size;
 2. Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces; and

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3. Stacking spaces shall be separated from other internal driveways with raised medians, as deemed necessary by the City Engineer for traffic movement and safety.
4. Stacking space for at least four (4) vehicles shall be provided between the order box and the pick-up window.

Table 17.31.070: Minimum Stacking Lanes, Number of Vehicles

Activity Type	Minimum Stack	Measured From
Bank teller lane	3 per lane	Teller or Window
Automated teller machine	3 per machine	Teller
Restaurant drive-through	8	Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	1	Entrance
Other	Determined by Public Works based on Traffic Study	
Convenience store drive-thru	Prohibited	
Gasoline pump island	30 feet from each end of pump island	
Gasoline Station with drive-thru	2 per lane	Window

§17.31.080. Residential Parking

- A. On-site Parking Requirements.
Except as specifically stated in this Chapter, required off-street parking spaces shall be located on the same lot as the primary use.
- B. Residential Zoning Districts.
 1. Parking shall not be located within the front setbacks.
 2. For attached dwelling units, parking (not located within an attached garage) shall be separated from the dwellings by a landscape area. No parking shall be located between the street and the structure.
 3. If there are no conforming locations on a lot for parking in residential districts, a parking pad may be situated in the side setback, if it is no closer than two (2) feet to the adjoining property line. No carport, canopy, or cover shall be permitted.
- C. Heavy Vehicle Storage in Neighborhood Residential Districts.
The parking or storage of any commercial truck or truck trailer is prohibited in Neighborhood Residential Districts except when located outside of front yards, minimum setbacks, and public rights-of ways. A commercial truck or trailer may be parked within a residential garage in a Neighborhood Residential District. In no case shall a commercial truck or trailer be stored or parked between a street and primary structure. This prohibition does not apply to vehicles making deliveries or pick-ups.
- D. Parking of Recreational and Utility Vehicles in Neighborhood Residential Districts.
Recreational vehicles, including travel trailers, camping trailers, motorhomes, truck campers, and boats; utility vehicles, including utility trailers, box trailers, horse or livestock trailers, and flatbed trailers; and any other recreational or utility vehicles and equipment may be parked subject to the following:
 1. Recreational and utility vehicles shall be kept in reasonable repair and operable condition and shall be parked in a legally established parking area, a detached or attached garage, accessory building, or the rear yard or side yard provided it does not extend beyond the front facade or front building line of the home. Parking is

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prohibited in the front yard outside of a legally established parking area and is prohibited in the street facing side yard of a corner lot unless it is located outside of the minimum setbacks.

2. A recreational or utility vehicle may be parked on the public right of way for the purposes of loading and unloading for a period of time not exceeding 24 hours.
3. Temporary Occupancy on a Residential Lot. The temporary occupancy of a recreational or utility vehicle on a residential lot in any of the residential zoning districts shall not exceed 10 days per calendar year. The total number of recreational or utility vehicles temporarily occupying a residential lot shall not exceed one. The temporary occupancy of any recreational or utility vehicles on a residential lot exceeding 10 days per calendar year is prohibited.
4. The storage of inoperable recreational or utility vehicles, or similar equipment, on a residential lot is prohibited as per Logan Municipal Code 8.38.
5. Using Streets for Storage. No person shall park or occupy a recreational or utility vehicles, or other similar equipment, on any public right of way for a period of time exceeding 24 hours.

§17.31.090. Commercial and Industrial Parking

A. Off-street Parking Requirements.

All commercial and industrial developments shall provide adequate off-street parking except as noted below:

1. In the Town Center districts where there is no physical location for off-street parking, businesses may provide parking at off-site locations in conformance with this Chapter.
2. Within the Town Center districts, no additional parking shall be required when expanding within the walls or on to the roof of an existing building whenever the property is abutting public parking.
3. Businesses in any zone may contract or lease offsite parking or obtain parking easements at locations conforming to the requirements of this Chapter.
4. If a right-of-way parking permit has been obtained in conformance with the Logan Municipal Code, the parking identified in the permit shall count or be part of the parking requirements of this Chapter.

B. Location of Parking.

1. Off-street parking shall be located in the side or rear yard areas.
2. Legally existing non-conforming parking lots must meet current landscaping standards upon a change of use or significant change or alteration in layout or design of the parking lot.

C. Driveway Widths.

Maximum driveway width in commercial and industrial zones shall be 52 feet.



The design of this parking structure has been integrated well with the design of the building. The entrance is identifiable, but does not disrupt the pedestrian environment.



Vehicular and pedestrian barriers between properties shall be prohibited. Cross access between properties allows cross inter-property access without placing additional loads on public streets.

- D. Parking Lot Design, Access and Circulation. Parking areas shall be designed and maintained as follows:
1. Parking lots and parking spaces shall be designed and maintained in conformance with the standards shown in Figure 17.31.090.A.
 2. Parking areas shall be designed to be interconnected with parking areas on adjacent properties as shown in Figure 17.31.090.B. The Director shall require access easements between properties where necessary to provide for parking area connections.
 3. In an effort to minimize the number of curb cuts onto public streets, projects located along an arterial or collector streets shall provide for shared driveways with adjacent properties.
 4. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses is presented in the form of deeds, easements, leases, or contracts to establish the joint use and recorded with the City of Logan.
 5. Driveways shall be identified as a key entry into the site by the use of accent paving, landscaping, or lighting for all new developments.
 6. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4 feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. See Figure 17.31.090.C.
 7. Walkways, including those provided with pedestrian access ways, shall conform to the following standards illustrated in Figure 17.31.090.D:
 - a. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, a walkway abutting a driveway at the same grade as the driveway may be approved if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
 - b. Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area.
 - c. Walkway and access way surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, and at least five (5) feet wide.



Distinguishing pedestrian crossings with a change in color, texture, or materials make crossings safer and friendlier for pedestrians.

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- d. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements.
8. Compact Parking Spaces. Sites containing 50 or more parking spaces may provide compact parking spaces for a portion of the required parking subject to the following:
 - a. A maximum of 10% of the total parking requirement may be utilized as compact parking;
 - b. Compact parking stalls shall measure not less than 8 feet 6 inches wide and 16 feet deep; and
 - c. Compact parking stalls shall be clearly marked on the pavement surface as “Compact”.

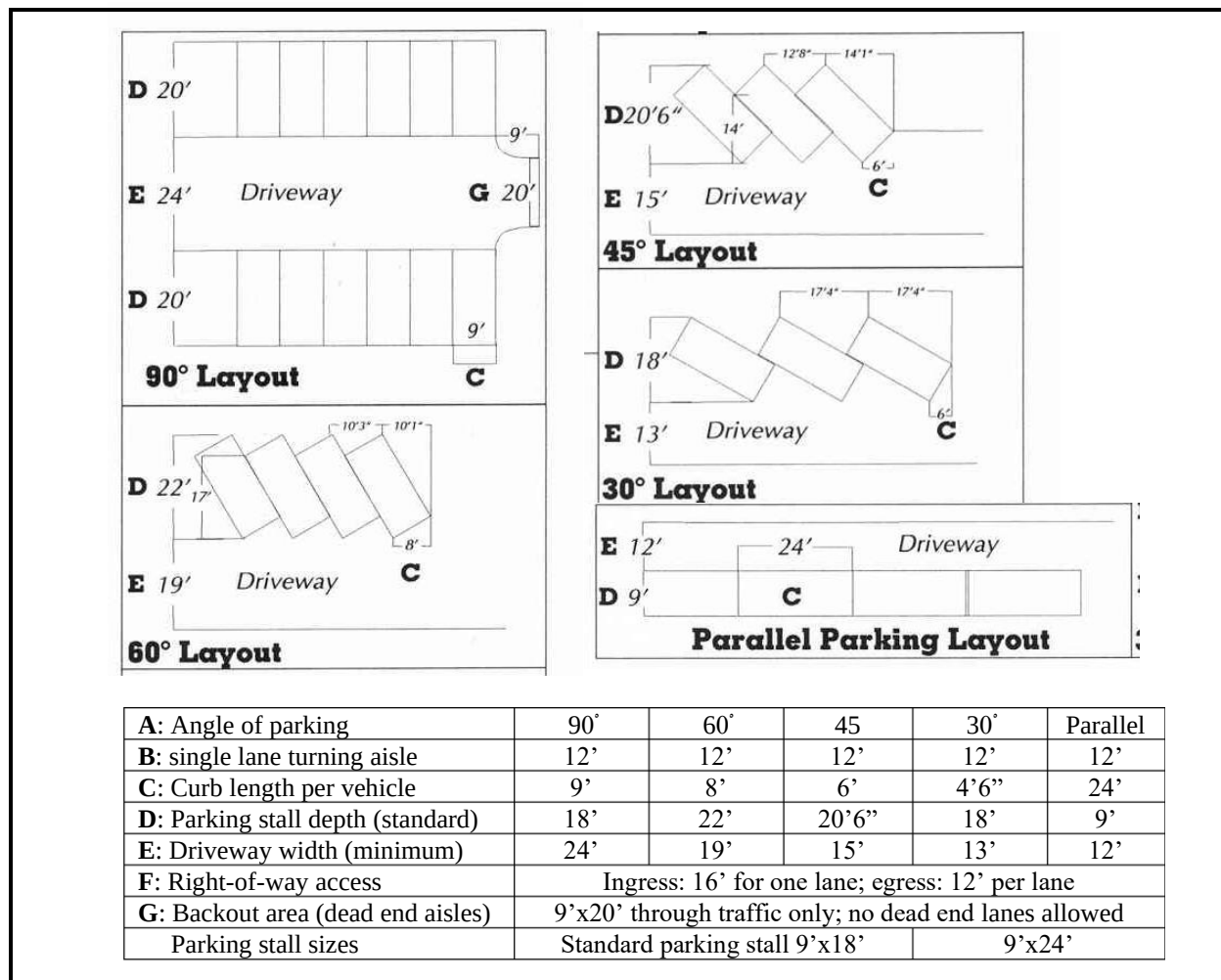
Figure 17.31.090.A: Parking Lot Specifications and Dimensions

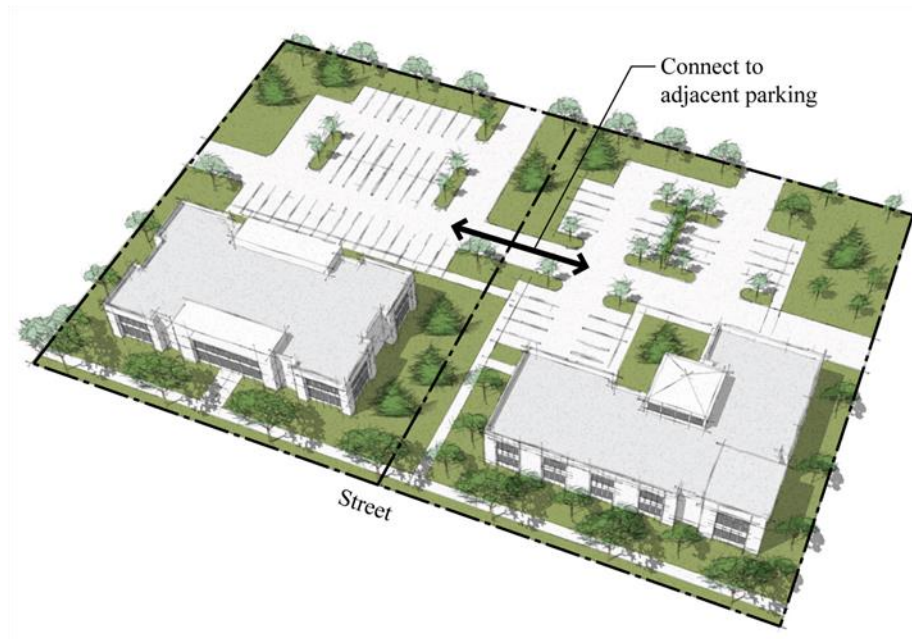
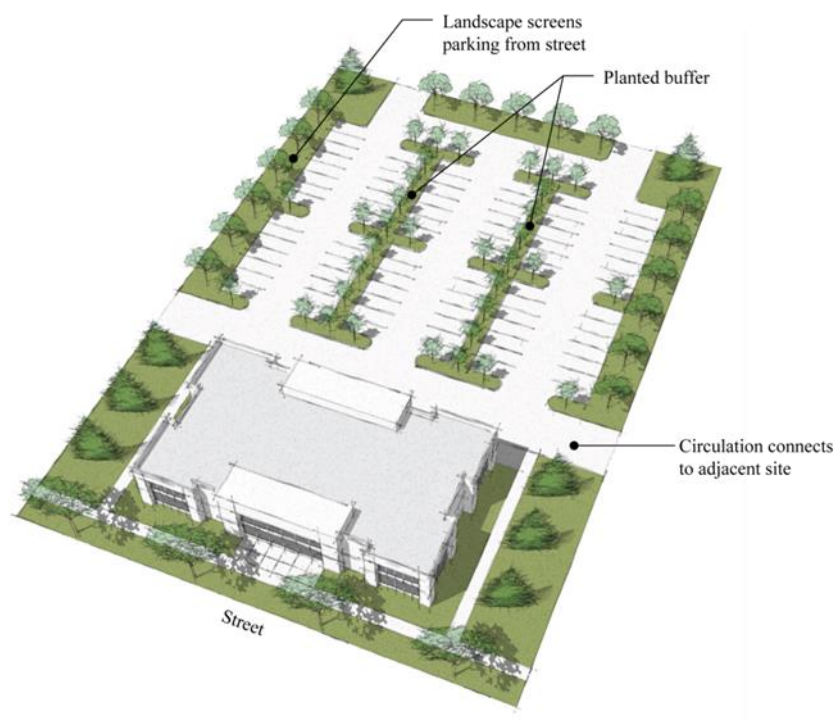
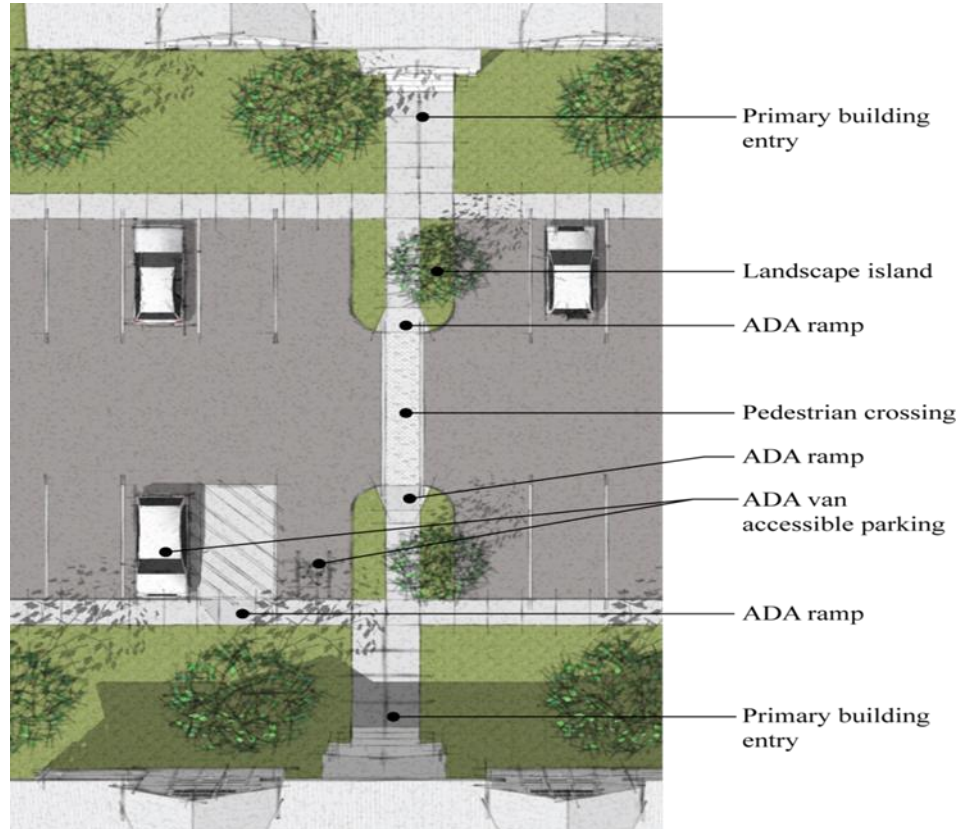
Figure 17.31.090.B: On-Site Circulation**Figure 17.31.090.C: Large Parking Areas**

Figure 17.31.090.D: Pedestrian Walkway Detail (Typical)**E. Reductions in Parking Requirement.**

The Director may reduce the minimum parking requirements for commercial uses based on the following:

1. The project may be eligible for a 15% reduction in required parking if the property is within 660 feet of an existing or planned CVTD transit stop; and
2. The project may be eligible for a 25% reduction in required parking if the property is located within the Town Center or Mixed-Use zoning districts.

F. Structure Parking Requirements.

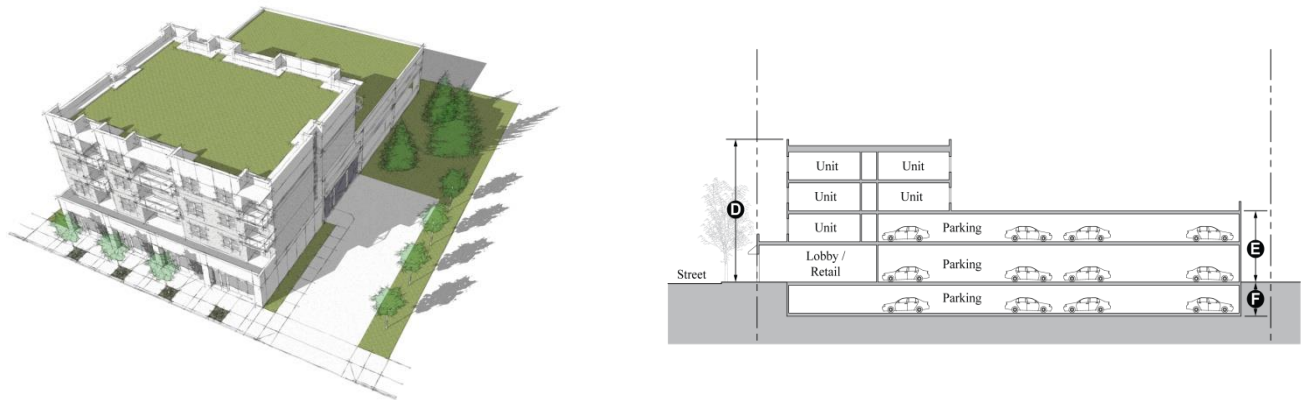
1. Parking structures shall comply with the design requirements of Chapter 17.12.020;
2. Parking structures in any of the Corridor's and District's, excepting TC-1, fronting a public right of way shall include a commercial component on the street facing main level of not less than 20% of the first floor's gross floor area.



Multi-level parking can be effectively integrated into mixed use projects. In this example, retail and offices are located at the street level, parking is in the middle, and apartments and condominiums are on the upper levels.

- Parking structures in the TC-1 zone fronting a public right of way shall meet the minimum TC-1 ground floor commercial requirements;
3. Top deck lighting on a parking structure shall consist of low profile wall and bollard lighting wherever feasible. Pole lighting on the top deck shall be set back from the edge a distance equal to the proposed height of the light poles and shall not be used around the perimeter of the top deck; and
 4. Parking structures in the residential zones are required to be located above, below or behind the building (see Figure 17.31.090.E).

Figure 17.31.090.E: Parking Structure Placement Standards



§17.31.100. Bicycle Parking

New development or change of use shall install parking for bicycles as required in Table 17.31.040 of this Chapter. Required bicycle parking areas are subject to the following design and layout standards:

- A. Bicycle parking shall be provided with racks that allow the frame and one wheel to be locked to the rack with a high security, U-shaped lock.
- B. Racks shall be clearly visible and accessible, and not interfere with pedestrian traffic or other site furnishings.
- C. Parking areas shall be well-lit for theft protection, personal security and accident prevention. Exterior lighting shall meet the standards in Chapter 17.29.
- D. Location of bicycle parking shall be separated from vehicle parking and roads with space and physical barriers in order to prevent potential damage to parked bikes and/or vehicles. Bicycle parking shall not be located on sidewalks or in areas that obstruct pedestrian traffic flow.

§17.31.110. Parking for Persons with Disabilities

Off-street parking for persons with disabilities shall be provided in accordance with the Americans with Disabilities Act (ADA) and the Uniform Federal Accessibility Standards.

§17.31.120. Use of Required Parking Spaces**A. Use of Parking Areas.**

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

B. Use of Parking Areas for Temporary Events and Sales.

1. A portion of a parking lot that allows at least 75% of the remaining legal parking spaces to be used for parking in conformance with the standards of this Chapter may be set aside for a temporary event, such as a “tent sale,” “sidewalk/parking lot sale,” or other permitted activity. These events may not exceed seven (7) consecutive days while not occurring more than once each calendar quarter, or may not exceed two consecutive days while not occurring more than three times each calendar quarter.
2. The property owner and operator of the licensed business at the location are jointly responsible for ensuring that events blocking parking lots do not result in unsafe traffic or circulation conditions and ensures adequate fire and emergency vehicle access. The Police Chief, Fire Chief or their designee may order the event cancelled and removed without hearing or notice if found that the arrangement of the temporary event or sale interferes with safe flow of traffic or emergency access to a site.
3. The property owner, business licensed at the site, and entity responsible for the event are jointly responsible for ensuring there is adequate parking at the event site. The use of public right-of-way for event parking is prohibited. Parking arrangements may be made for use of adjoining or nearby parking areas within a 600-foot radius, with a written copy of the agreement filed with the Director at least 2 working days prior to the event.

C. Long-Term Vendors Located in Parking Lots.

1. A business license for the temporary long-term use of a parking lot for a vendor (example and not limited to: Christmas trees, fireworks, snow cone sales, ice cream sales, seasonal food sales) located in the parking lot for more than seven (7) consecutive days may be permitted by the Director provided that a copy of a written agreement for use of the parking area is submitted prior to the establishment of the use.
2. A site plan showing the location of the facility and an indication of the total number of existing spaces in the parking lot and parking to be removed by the vendor.
3. Depending on the design of the parking area and location of the long-term vendor, the Director may require parking spaces in the area of the vendor to be re-striped for purposes of providing parking and/or accommodating safe traffic flows.
4. A portion of a parking lot that allows at least 95% of the required parking spaces, for general usage, in conformance with current zoning standards may be used by long-term vendors.

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- D. Temporary Vendors on Undeveloped Sites.
The use of undeveloped sites for parking or sales by temporary vendors shall be prohibited. Temporary vendors may utilize undeveloped portions of appropriately zoned properties provided that the property owner creates an approved right-of-way access, a paved surface for the area as approved by the Director and the City Engineer, parking needed by the vendor, and landscaping. The Director may approve the design and landscaping for temporary vending.
- E. Shopping Cart Corrals.
Cart corrals or similar facilities shall not be permitted to replace required parking. New development shall identify cart corral or collection areas on the site plan.



In urban districts where commercial uses dominate, more vertical screening techniques can be used to reduce the visibility of parking and make sidewalks friendlier for pedestrians.

§17.31.130. Access and Driveways

Access and driveways shall conform to the standards outlined in Chapters 17.29 and 17.30.

§17.31.140. Setbacks for Parking

Setbacks for parking areas are established by each underlying zoning designation.

Chapter 17.32: Landscaping

§17.32.010. Purpose and Intent

The purpose of this Chapter is to enhance the overall attractiveness of the City by implementing minimum landscape and useable outdoor space requirements with new development. The intent is to promote the importance of landscaping and useable outdoor space in the overall site design and development process by providing a visual link between the natural and built environments.

§17.32.020. Applicability

All public and private development, new construction, enlargement or changes of use, and exterior remodeling are required to comply with the landscaping and useable outdoor space requirements of this Chapter, unless otherwise specifically stated.

§17.32.030. Exemption

The following are exempt from the requirements of this chapter:

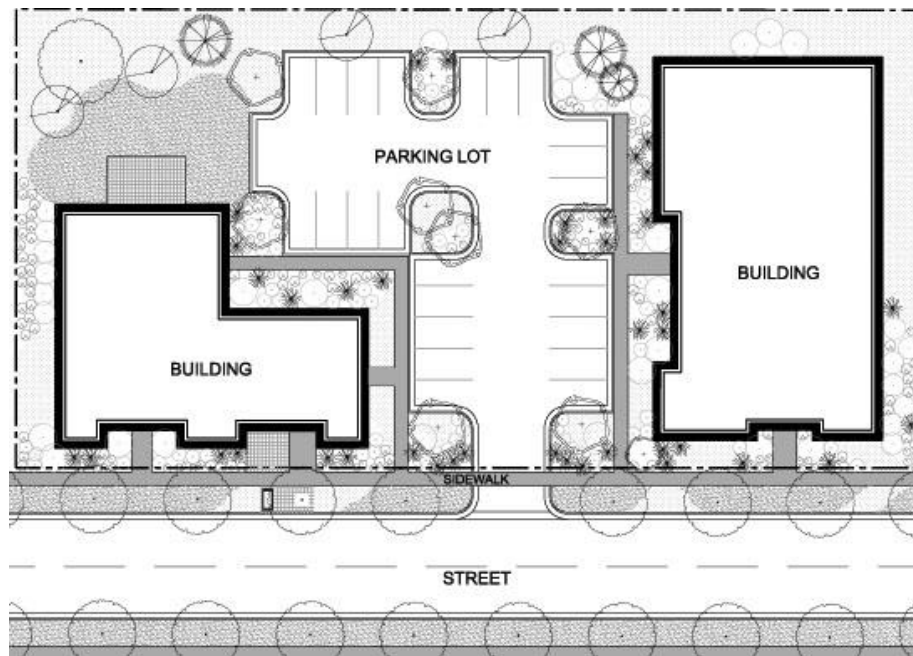
- A. Agriculture structures and agricultural uses;
- B. Minor improvements or repairs to existing development or buildings that do not result in an increase in floor area.
- C. Detached single family residential development or redevelopment on existing legal lots which do not require a Design Review Permit;
- D. Public or private utility development involving the installation of utility distribution lines and systems. The construction of office space, parking areas, shops, storage areas or similar developments are not exempt from the provisions of this Chapter; or subdivisions.

§17.32.040. Landscaping

- A. Required Landscaping.
Required landscaping shall be installed in all yard areas, along the perimeter of the lot, around buildings, and all other portions of the property not specifically utilized for walkways, driveways, parking, loading, or other functions for which landscaping may not be practical (See Figure 17.32.040.A).
- B. Landscaping for Lots Which are Partially Developed.
Projects with substantial portions of the parcel area left for future development may be exempt from landscaping the undeveloped portion of the property provided a phasing plan is approved with the Design Review Permit. If any portion of the undeveloped area of the lot fronts a public right-of-way, standard improvements such as curb, gutter, sidewalk and installation of street trees and other appropriate landscaping shall be required at the time of the development.
- C. Landscaping When Expansion or Additional Development Occurs.
Any building or development expansion that results in a 10% or greater increase in gross square footage of a building or developed area shall trigger an evaluation of the entire site for compliance with the requirements of this Chapter by the decision makers.
- D. Landscaping Requirements for Interior Remodeling That Results in a Change of Use.
Compliance is not required when a change of use does not modify the exterior of a building nor requires a Design Review Permit.
- E. Landscaping Requirements for Remodeling That Results in a Change of Use and Modifications to the Exterior of a building.
Full compliance with this Chapter shall be required when a change of use results in any modifications to the site and the exterior of the building.

- F. Detached single family dwellings on individual lots. The front yard area of a detached single family dwelling shall be landscaped within one (1) year of the issuance of the Certificate of Occupancy and the rear yard shall be landscaped within two (2) years of the issuance of the Certificate of Occupancy. No more than 50% of the front yard area of a detached single family dwelling may be covered with an impervious surface (pavement, concrete, hardscaped, etc.).

Figure 17.32.040.A: Areas in Commercial and Industrial Development to be Landscaped



§17.32.050. Useable Outdoor Space Standards

- A. The proponent shall identify the intended uses of the usable outdoor space in the permit application. Useable outdoor space includes the following:
1. Patios, decks, shade structures, play equipment, play courts, walkways, landscaped plazas, green roofs, and accessory structures that enhance the use and enjoyment of the outdoor space and project site;
 2. Active recreational uses such as parks, trails, playgrounds, and play fields;
 3. Public gathering areas such as plazas, parks, public squares, sidewalks in front of small businesses, green roofs, courtyards with seating, or any other area that provides outdoor seating (chairs or benches), that are visually prominent and are easily accessible;
 4. Natural open space areas that are unbuildable and regulated under Chapter 17.24.
- B. Useable outdoor space in a Mixed Use project are also defined as shared public spaces where people can comfortably congregate and socialize. Within a mixed use project, public gathering areas generally include plazas, parks, public squares, sidewalks in front of small businesses, courtyards with seating, or any other area that provides outdoor seating (chairs or benches), are visually prominent, and are easily accessible.
- C. Useable outdoor spaces shall be interconnected with other outdoor spaces either adjacent to the project site, or within the project site, through the use of pedestrian walkways or corridors.
- D. Useable outdoor space does not include driveways or parking areas.

17.32: Landscaping

- E. At the discretion of the decision making body, storm water facilities may be considered as useable outdoor space if the facilities are designed to accommodate a mixture of uses (e.g., stormwater detention areas also functioning as a soccer field) and integrated into the project site's overall landscaping.
- F. Minimum Required Useable Outdoor Space Area.
All development shall provide the minimum amount of useable outdoor space as specified in Table 17.32.050.A.

**Table 17.32.050.A:
Required Useable Outdoor Space and Landscaping based on Development Type**

Development Type	Minimum Area Required for Useable Outdoor Space (gross land area)	Minimum Area Required for Landscaping (gross land area)
Multi-Family Residential	10%	20%
Commercial	10%	10%
Industrial	10%	10%

§17.32.060. Minimum Landscaping Requirements

- A. Commercial, industrial, mixed-use, and multi-family projects shall comply with the following:
 - 1. Minimum Landscaped Areas Required.
 - a. All development types shall provide the minimum amount of landscaped area as shown in Table 17.32.050.A.
 - b. Exceptions. Development in the TC-1 and Mixed Use zones have different requirements for landscaping and useable outdoor space, are exempt from the minimum useable outdoor space and landscaped requirements in Table 17.32.050.A, and shall default to the specified requirements in each zoning district.
 - 2. Twenty (20) trees shall be required per one (1) acre of gross land.
 - 3. Fifty (50) shrubs shall be required per one (1) acre of gross land.
 - 4. Plant material shall be placed around the perimeter of the building footprint in a three (3) foot minimum planting strip except for entrances, utilities and where setbacks are less than three feet.
 - a. As part of the design review permit, the decision makers may permit a deviation of this building perimeter landscaping requirements in the industrial zone if warranted by unique site or building conditions.
- B. Projects shall include a diverse mix of native and ornamental plant and tree species suited for Logan's climate and the site's unique soil, water and slope conditions (See Table 17.32.060.A).
- C. Mulch and weed barriers are required in non-turf areas to retain water, discourage weed growth and moderate soil temperatures.
- D. Use of Evergreen Trees and Shrubs.
A minimum of 25% percent of the plant material used for the project shall be evergreen trees and shrubs to provide year-round visual interest and dense landscape screening.
- E. Screening.
Loading docks, storage areas, other service areas and blank walls shall be screened as specified in the design review process. Acceptable screening may include a

17.32: Landscaping

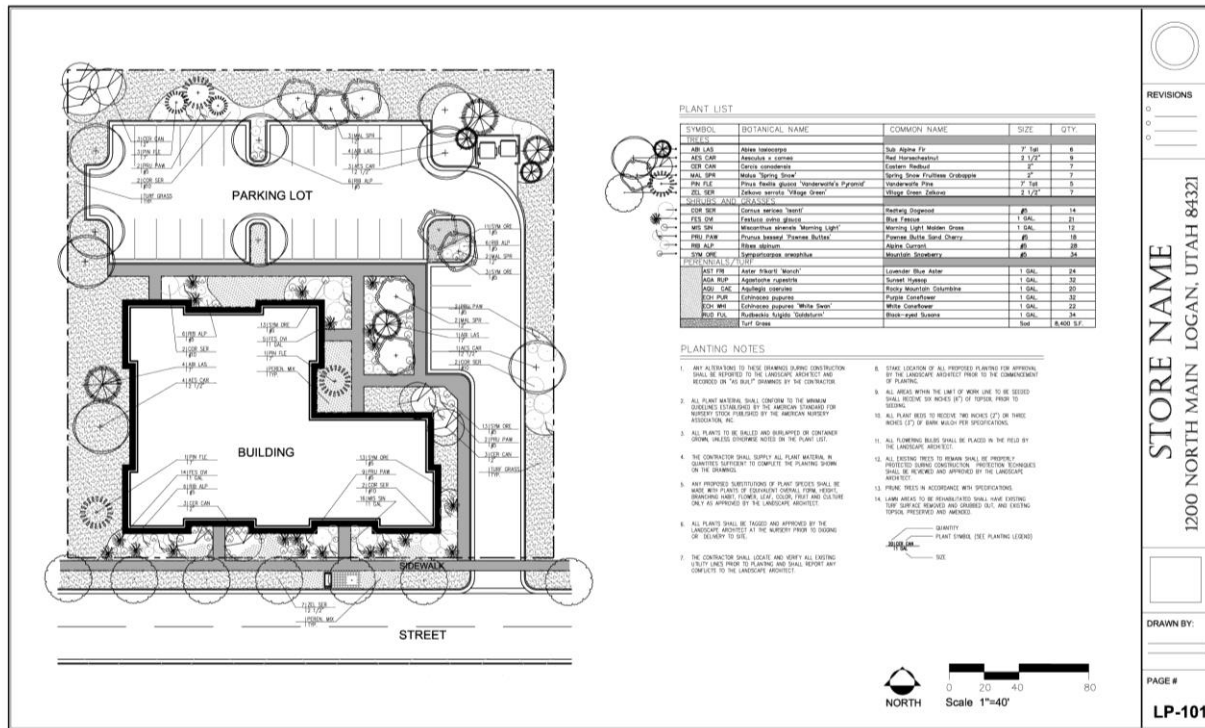
combination of plant material, fencing, walls, earth berms, and vertical landscape elements.

1. Solid waste receptacles, recycling bins, and refuse storage shall be screened from view on three sides by a fence or wall with a minimum height of six (6) feet.
2. The enclosure shall be compatible in material and color with the primary structure on the lot if located within 20 feet of the building. If the enclosure is to be located beyond 20 feet from the structure, the enclosure should be designed to blend in with surrounding landscaping.

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	5

Table 17.32.060.A: Species Diversity Requirements

3. Waste disposal and recycling receptacles shall be consolidated to reasonably minimize the number of collection sites and to equalize the distance from the buildings they serve.
 4. Vertical landscaping, in conjunction with general building design elements, shall be considered as a tool for breaking up long stretches of linear wall planes.
- F. Submission of Landscape Plans.
1. All commercial, industrial, mixed-use and multi-family landscape plans shall be prepared and stamped by a Licensed Landscape Architect registered with the State of Utah.
 2. Landscape plans shall be submitted prior to, or included with, the submittal for a Building Permit.
 3. Landscape plans shall be of adequate size and detail so the decision making body can see the land area to be planted and the appearance of plantings at 75% of mature growth.
 4. Landscape plans and details shall be drawn in a professional manner with credible representations of plant sizes and site features. The decision making body may reject plans which do not accurately depict the site landscaping (see Figure 17.32.060.B).
 5. Landscape plans shall be accompanied by a planting schedule that identifies both the common and scientific name of each species. The schedule shall include the size and type of plant material to be installed.
 6. Landscape plans shall be drawn to scale and have a north arrow. Site features including buildings, parking lots, streets, existing vegetation, and utilities shall be shown for reference and orientation. Planting details and irrigation specifications are generally not required to be included with the landscape plan unless unique situations are associated with the project requiring further detail.
- G. Review of Landscape Plans.
- Landscape plans may be approved upon a finding that the plan meets or exceeds the purposes and objectives of this chapter through either:
1. Integrating natural land features or existing vegetation into the proposed development project; or
 2. Implementing innovative landscaping and architectural design.

Figure 17.32.060.B: Example of a Landscape Plan

park strip is appropriate based on the land use, roadway classification and the surrounding context of existing development.

- D. Rights-of-ways (park strip) shall not be used for the storage, sale, display, of merchandise without the written permission of the Director and only in areas adjacent to Town Center, Commercial, and Mixed Use zones on a temporary basis.

§17.32.080. **Parking Lot Landscaping.**

This section establishes minimum landscaping requirements for the perimeter and interior of off-street parking areas. The general purpose of such landscaping is to reduce the visual impact of parking and pavement. Parking lot landscaping may count towards meeting the minimum landscaping requirements.

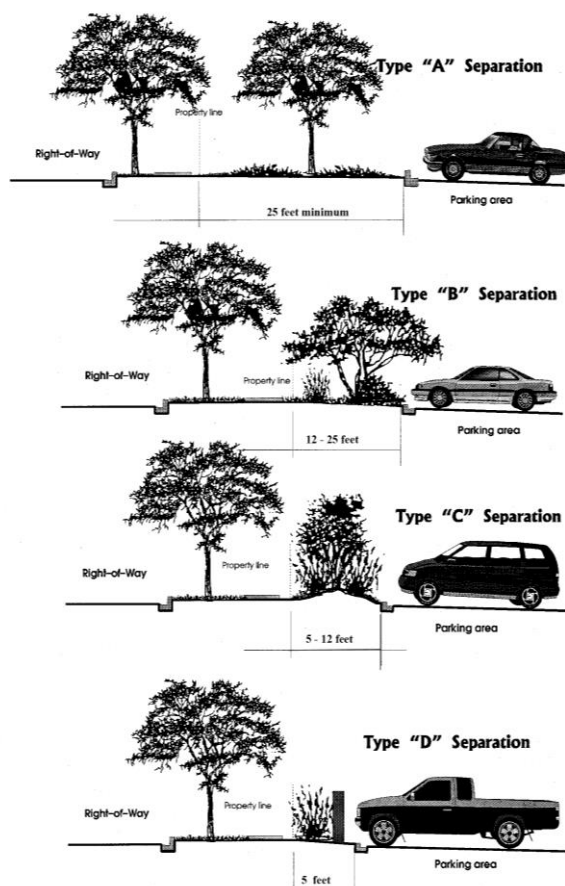
- A. All off-street parking lot landscaping shall be approved through the Design Review process.

- B. **Parking Lot Perimeter Landscaping.**

The parking lot perimeter landscaping requirements apply to all off-street parking lots. No structures or paving shall be located within the border area, with the exception of walls, walkways or other features incorporated into the landscaping. If adjoining properties share or abut parking lots, the perimeter landscape requirements are waived for the two adjoining sides of each parking lot and the two adjoining parking lots will be calculated as one. All off-street parking areas shall meet the following standards:

1. If the front setback of the parking lot is twenty-five (25) feet or more, the border landscape shall conform to the Type "A" separation in Figure §17.32.080.A. Border trees shall be planted at an average of thirty (30) feet on center.
2. If the front setback of the parking lot is twelve (12) to twenty-five (25) feet, the border landscape shall conform to the Type "B" separation in Figure 17.32.080.A. Shrubs must be planted at an average of three (3) feet on center and small trees shall be planted at fifteen (15) feet on center along the entire border.
3. If the front setback of the parking lot is five (5) to twelve (12) feet, the border landscape shall conform to the Type "C" separation in Figure 17.32.080.A. Shrubs must be planted at an average of three (3) feet on

**Figure 17.32.080.A: Parking Lot Landscaping
Border Options for Separation from Street**

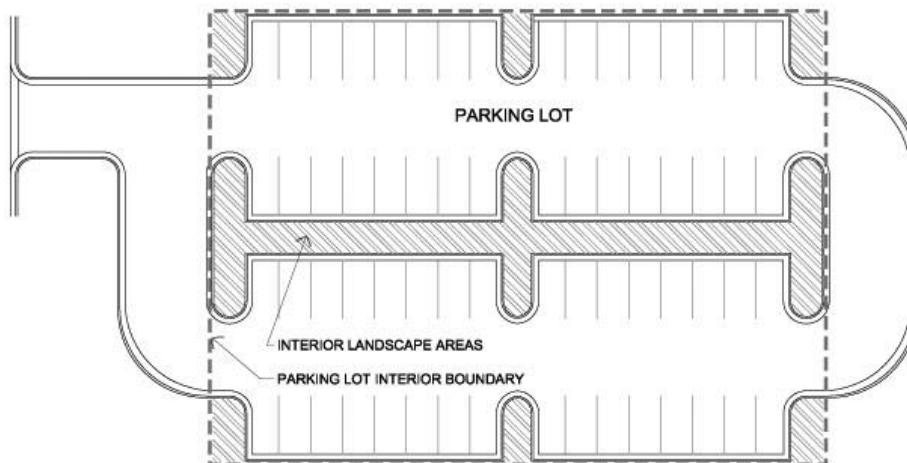


17.32: Landscaping

center and small trees shall be planted at fifteen (15) feet on center along the entire border. The earth berm shall be a minimum of three (3) feet in height as measured from the nearest street's top back of curb, and in combination with plant material, shall achieve a minimum four (4) foot tall solid screen at installation.

4. If the front setback of the parking lot is five (5) feet, the border landscape shall conform to the Type "D" separation in Figure 17.32.080.B. For Type "D" separations, a masonry wall four (4) feet in height shall be used in combination with plant material placed at four (4) feet on center.
 5. Side and rear parking lot perimeter borders shall be landscaped with plant material covering a minimum of 50% of the total border surface area measured at the plant's maturity.
- C. Parking Lot Interior Landscaping.
- The parking lot interior landscaping requirements apply to all off-street parking lots that contain five (5) or more parking spaces. Only areas specified in figure §17.32.080.B are counted towards a project's interior parking lot landscaping requirements. Interior planting areas are required within all parking lots as specified in this subsection.
1. At least eighteen (18) square feet of interior landscape planting area shall be provided within the interior of an off-street parking area for each parking stall contained within the parking area.
 2. Landscaping located within the interior of a parking area shall be evenly dispersed throughout the area. All planting areas shall be protected to prevent damage by vehicles and vehicle overhang.
 3. When the number of stalls in a parking area exceeds the number of required parking stalls defined in Chapter 17.31 by 125%, the minimum interior parking lot landscaping requirements shall be increased to thirty-six (36) square feet of interior landscaping for each parking space contained within the parking stall.
 4. All aisles shall have landscaped areas at each end of the aisle.
 5. One landscaped planter area containing at least one (1) tree shall be installed within the interior of a parking area every twenty (20) stalls. Interior parking area landscapes shall have a minimum of 50% plant material coverage measured at plants maturity.

Figure 17.32.080.B: Interior Parking Lot Measurement Area



§17.32.090. Installation, Replacement, Occupancy**A. Accepted Practices Required.**

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous and healthy growth. All landscape material, living and non-living, shall be in place and in a healthy condition prior to the issuance of the final Certificate of Occupancy.

B. Protection of Existing Trees during Construction.

Any trees identified or approved for preservation by the decision making body shall be protected utilizing accepted techniques for protection.

C. Replacement of Dead, Diseased, or Dying Vegetation.

The Director or the City Forester may require that landscaping be replaced in kind if vegetation becomes dead, diseased, or dying. In the event of blight or species-specific diseases, substitution of plants shall be approved by the Director or the City Forester.

D. Temporary Occupancy Requirements.

A Certificate of Occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the City and acceptance by the City of appropriate surety according to the following:

1. Land development that does not require or is normally utilized without obtaining a Certificate of Occupancy shall have landscaping installed prior to the initiation of any use or occupancy of the facility, structure, or grounds.
2. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the Certificate of Occupancy is issued. Financial or similar issues shall not constitute extenuating circumstances.
3. Financial surety shall be equal to 110% of the estimated cost of the plant material, irrigation, labor, and materials.
 - a. The amount of the surety shall be calculated from a written cost estimate prepared by an appropriately licensed professional and provided to the City by the developer. If the Director finds that the cost estimates are not within accepted standards for estimating the costs of landscaping installation, the Director shall require that surety be based on accepted estimating practices.
 - b. Each estimate shall be guaranteed valid at the maturity of the surety instrument.
 - c. An irrevocable letter of credit, cash deposit, cashier's check, certificate of deposit endorsed in favor of the City, performance bond issued by a bonding company with an investment grade rating by Moodys or Standard and Poors, or savings account passbook issued in favor of the City shall be acceptable forms of surety.
4. The expiration date of the surety bond shall be determined by the Director at the time the agreement is made. The expiration date shall be appropriate to the project circumstances. If the Surety bond expires, the City shall have the authority to seize the surety and install the landscaping.

§17.32.100. Xeriscaping

Xeriscaping consists of native and drought tolerant plant material placed in conjunction with groundcover or mulch. Xeriscaping is encouraged throughout the city as a way to reduce water consumption. The selection of plant material shall be based on microclimate, exposure and slope of the site. At mature growth plant material should cover a minimum of 30% of the ground. Rocks, hardscape and mulches alone without native and drought tolerant plantings are not considered xeriscaping.

§17.32.110. Irrigation

All landscaping installations, including park strip areas, shall be required to incorporate an automatic underground irrigation system. Irrigation systems should be designed to conserve water and avoid erosion of soils. Irrigation heads should match precipitation rates for each valve. The irrigation system, when connected to culinary water supplies, shall have backflow prevention assembly(s) installed to prevent contamination of culinary water system. Backflow preventer and installation shall meet current City codes and policies.

§17.32.120. Maintenance of Landscaping and Park Strips

- A. Landscaping to be Maintained in a Vigorous and Healthy Condition.
 - 1. Regular maintenance of all landscaping to present a healthy, neat and orderly appearance shall be required.
 - 2. Landscaping shall be maintained free from disease, pests, weeds and litter.
 - 3. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance as needed and in accordance with acceptable horticultural practices. Regular and routine maintenance also includes replacing dead, dying and/or diseased trees, shrubs, plants or turf.
- B. Repair and Replacement of Landscaping.
 - 1. Required landscape structures (examples include and are not limited to walls, fences, curbs, planters) shall be maintained in a structurally sound and aesthetically pleasing condition.
 - 2. Required landscape irrigation systems shall be maintained in a sound and working condition.
 - 3. Continuous maintenance of the site as a whole.
 - 4. Failure to maintain the landscaped as approved may result in a suspension of an entity's Business License until remediation of the deficient landscaping is resolved.
- C. Aquifer Protection Areas.

Areas of the City may be designated by the Director of Public Works as "Aquifer Protection Areas." Landscaping within designated areas may have restrictions as to the types of plants, use of chemicals, and other standards imposed for purposes of protecting municipal groundwater quality (See Chapter 17.25 of this Code and Utah State Division of Drinking Water R309-600 "Source Protection Regulations" for additional requirements).

§17.32.130. Landscaping Features are a Part of the Overall Approval

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details. The landowner, heirs, successors in interest, lessees, or agent, shall be jointly and severably responsible for installation, maintenance, and upkeep as specified in this Title.

§17.32.140. Exceptions

- A. The decision making body may allow for exceptions or deviations to the requirements of this Chapter if it is found that the site development, location of existing landscaping, or other physical factors make it impracticable to achieve compliance with the provisions of this Chapter.
- B. Exceptions, or methods of alternative compliance, may include the following:
 - 1. Planting of street trees and public right-of-way landscaping in the general vicinity of the subject property;

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2. Financial contributions related to the approximate value of onsite landscaping materials and labor into a trust fund to be established for public landscaping in the neighborhood in which the subject property is located;
3. City approved purchase and installation of other landscape or streetscape amenities, such as and not limited to benches, lighting, public art, access paths or sidewalks;
or
4. Any other landscaping related options that would further the intent of this Chapter.

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Chapter 17.33: Signs

§17.33.010. Purpose

The purpose of this section is to encourage the effective use of signs as a means of communication in the City; fulfill a community-wide goal to protect the aesthetic quality of the community; minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign standards.

§17.33.020. Applicability

The provisions of this section apply to all types of signs, **except:**

- A. Official public notice, traffic control, warning, or safety signs as required by law;
- B. Appropriately displayed official flags of any country, federal agency, State, County, or City government;
- C. Any sign located within a building and not visible from a public street;
- D. Merchandise displays within display windows in commercial buildings;
- E. Identification sign(s) or logo(s) applied to the outside surface of a vehicle, provided, only if the vehicle or trailer is not used as a sign as defined in Section 17.33.140 Prohibited Signs;
- F. Murals or wall art that do not contain any commercial messaging or commercial copy, provided that any mural or wall art with a commercial message or copy is regulated as a sign under the provisions of this Chapter; or
- G. Public or private memorials, displays of remembrance of persons or events.

§17.33.030. Permanent Signs

- A. Residential Zoning Districts and Residential Uses in Nonresidential Zones.

The following standards apply to all permanent residential signs without regard to the base zoning district and to churches, schools, parks, government facilities, and community services within residential zoning districts (NR, MR, NC, CR & RC):

1. Sign types not listed in Table 17.33.030.A are prohibited;
2. Reader boards and Electronic Message Display signs are prohibited in residential zones; and
3. New projects with multiple tenants and signs shall have signage areas and locations designated and approved as part of the Design Review Permit. Individual tenants may apply for specific sign permits.

- B. Nonresidential Zoning Districts.

The following standards apply to all permanent signs in the commercial, industrial, public, and recreational zoning districts (TC, CC, COM, MU, GW, CS, IP, AP, PUB, REC) with the exception of residential uses:

1. Sign types not listed in tables 17.33.030.B.1 & 17.33.030.B.2 are not permitted;
2. Total facade signage is limited to 10% of the first story façade area. Separate building signs are allowable with the exception of reader boards and electronic message displays;
3. Only one reader board or electronic message display is allowed per project. A project is defined as a group of buildings, lots or improvements reviewed and approved under a single Design Review Permit, Conditional Use Permit, or Subdivision and where site improvements such as parking, lighting, density, architectural/design standards and signage are shared; and
4. New projects with multiple tenants and signs shall have signage areas and locations designated and approved as part of the Design Review Permit. Individual tenants may apply for specific sign permits as the tenant space fills up.

Table 17.33.030.A: Signs in Residential Zoning Districts

Use/Structure Type	Sign Type	Number	Area (s.f.)	Height (ft.)	Setback (ft.) ²	Approval Type
Multi Family Complex	Building	1 per façade	36	NA	NA	Staff
	Monument	1 per street	36	6	18"	Staff
	Directional	One per vehicular access point	3	4	18"	Staff
Subdivisions, Planned Developments, Condominiums, Mobile Home Parks	Monument	1 per street	36	6	18"	Staff
	Directional	One per vehicular access point	3	4	18"	Staff
Home Occupation	Building	1 permitted	2	NA	NA	Staff
Churches, Schools, Parks, Government Facilities, community services	Building	1 per façade	36	NA	NA	Staff
	Monument	1 per street	36	6	18"	Staff
	Directory	1 per street frontage	24	6	20 ft. and within 15 ft. of primary building	Staff
	Directional	One per vehicular access point	3	4	18"	Staff

Table 17.33.030.B.1: Building Signs in Nonresidential Zoning Districts

Sign Type	Zones	Area	Approval Type
Individual letters	All	10%	Staff
Sign board	All	10%	Staff
Painted advertising copy	All	10%	Staff
Cabinet	All but TC	10%	Staff
Awning with signage	All	10%	Staff
Reader board with changeable letters	All	10%	Staff
Electronic message display (EMD)	COM, IP, CS	10% (32 sf max)	Staff
Electronic message display (EMD)	PUBLIC, REC, TC	24 sf max	Staff
Perpendicular within right-of-way (non-electrical)	TC only	25 sq. ft. each	Staff
Perpendicular not within right-of-way	All	25 sq. ft. each	Staff
Permanent Window signs (more than 60 days)	All	50%	Staff

Table 17.33.030.B.2: Freestanding Signs in Non-Residential Zoning Districts

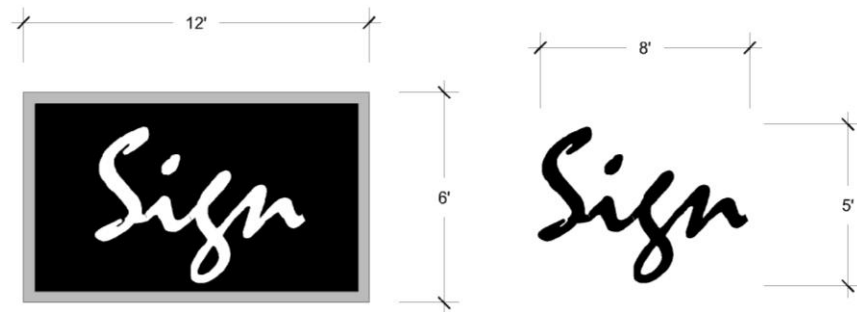
Sign Type	Zones	Area (s.f.)	Maximum Height (ft.)	Number	Setback (ft.)	Approval Type
Pole	COM only	48	14 (8.5 foot clearance)	1 per project (no monument signs allowed)	10 ft	Staff
Monument	All	32 for all other zones, 72 for COM, UC, MU, IP & CS zones	6 for all other zones, 8 for COM, UC, MU, IP & CS zones	1 sign per street frontage. 1 additional sign per street per every 450 feet of frontage	18"	Staff
EMD	COM, IP, CS	32 for COM, IP, CS and no more than 66% of total sign area for projects with less than 450 ft of frontage. 47 and no more than 66% of the total sign area for projects with more than 450 ft of frontage.	8 for COM, IP, CS	1 per project	18"	Staff
EMD	PUB, REC, TC	24 for PUB, REC, TC	6 for PUB, REC, TC	1 per project	18"	Staff
Menu Board	All	72	6 for TC zones, 8 for all other zones	2 per drive through lane	20 ft	Staff
Directional	All	3	4	One per vehicular access point	0	Staff
Directory	All	24	6 (text on sign shall not exceed two (2) inches in height)	One per street frontage	18" and must be within 15 ft. of primary building	Staff
Archway	COM, MU, TC	48	25 (17 foot min. clearance)	One per street frontage, two (2) max. per project	5 ft	DR

§17.33.040. Sign Measurement**A. Sign Face Area shall be computed as Follows:**

1. Cabinet Signs. The area of a cabinet sign shall include the outer limits of the cabinet frame;
2. For signs with individual components, the measurement shall be based on the letters, emblem, or other display, together with any material or color forming an integral part of the background of the area used to differentiate the sign from its backdrop. When there is no background color differentiation, letters, emblems or logos will be measured from the tallest and widest portions (see figure 17.33.040); or
3. For double sided, freestanding signs, only one sign face will count toward the sign's total square footage allowance.

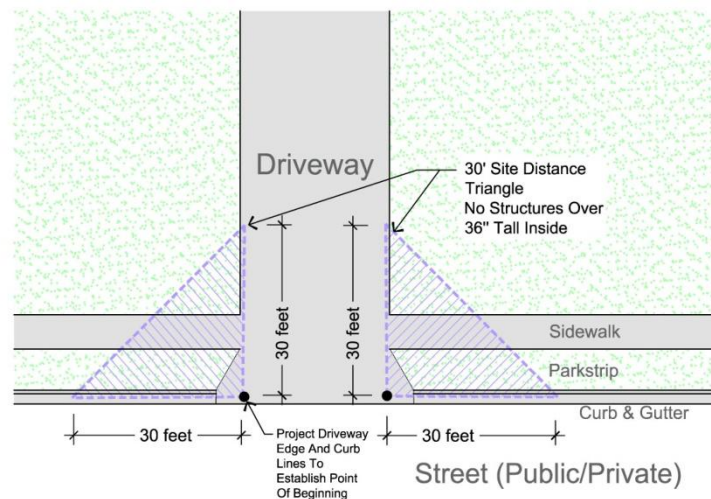
B. Height The height of a freestanding sign shall be measured from the top of the nearest City curb, or if no curb is present, from the crown of the nearest road to the highest portion of the freestanding sign.**C. Clearance.**

1. All pole signs, and any signs that project more than 12 inches from a building, shall have a minimum clearance of 8.5 feet from the finished grade to the bottom of the sign.
2. Monument signs shall have no more than twelve (12) inches between the bottom of the sign and finished grade.

Figure 17.33.040.A.2: Sign Measurement**§17.33.050. Sign Placement**

The following sign placement requirements shall apply:

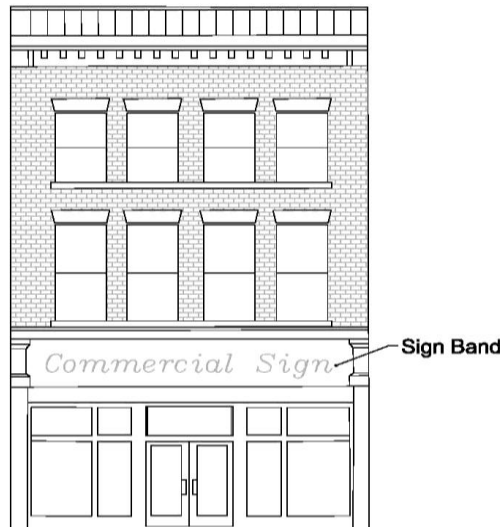
- A. All signs and sign structures shall be located completely within the boundaries of the lot on which the principal building or use is located;
- B. No part of a pole sign shall be placed within 10 feet of an adjacent public or private right-of-way or property line;
- C. Monument signs taller than 36" in height shall not be placed within a 40' Sight Distance Triangle at the intersection of two streets or within a 30' Sight Distance Triangle adjacent to a driveway entrance as shown in Figure 17.33.050.C.1;

Figure 17.33.050.C.1: 30' Sight Distance Triangle for Driveways

- D. No portion of a freestanding sign may extend into the public right-of-way;
- E. All monument signs shall be setback at least 18" from any adjoining sidewalk;
- F. Building signs shall not project beyond the corner of a building nor shall a building sign be attached to, or extend above, the parapet or roof of a building;
- G. Building signs shall not project more than 12 inches from a building wall, unless designed and approved as a perpendicular sign; and

- H. For building signs within the Logan Center Street Historic District, the preferred area for sign placement shall be the “sign band” of the building (see Figure 17.33.050.H.1) if applicable.

Figure 17.33.050.H.1: Typical Sign Band location on a Historic Building



§17.33.060. Illumination

- A. For non-residential zones, no signs within 300 feet of a residential zoning district shall be illuminated between the hours of 11 p.m. and 5 a.m.;
- B. For residential districts, no sign shall be illuminated between the hours of 10 p.m. and 6 a.m.;
- C. Signs that are externally illuminated shall have a shielded, stationary, steady light source that is down lit and directed solely at the sign face; and
- D. Light sources used to illuminate signs shall not be visible from adjacent rights-of-way or adjacent properties.

§17.33.070. Permits

- A. Permanent Signs.
 1. All permanent signs shall have a permit issued by the Department of Community Development prior to installation. Failure to obtain a sign permit may result in enforcement actions pursuant to Section 17.60.
 2. Permit applications shall require scale drawings showing the design of the sign(s) including size, materials, illumination, colors and other items as determined by staff.
 3. Permit applications shall require scale drawings showing the placement of the sign(s) and its location on the building.
 4. Permit applications for freestanding signs shall require scale site plans showing the location of the sign(s) on the property, streets, property lines, buildings, driveways, landscaping, parking areas and other items as determined by staff.
 5. The permit number plaque provided by the Department of Community Development shall be affixed to the lower right side of the sign cabinet or to a location identified by a Department official when the permit is issued.

17.33: Signs

6. Freestanding and perpendicular signs require plans stamped by a professional engineer licensed to practice in the State of Utah as required by the International Building Code.
 7. All signs require plans meeting the requirements of the International Building Code for installation and mounting of signs.
 8. Depending upon the sign type and/or location of sign installation, certain signs may require additional approval from the Planning Commission (see Table's 17.33.030.B1 & B2) or the Historic Preservation Committee (signs to be placed in the Logan Center Street Historic District).
 9. All permanent signs for which a permit was issued will be considered legally existing signs. If legally existing signs no longer conform to current regulations, they will be considered legally existing non-conforming. A permit is not necessary to replace only the graphics or the face of a legally existing, non-conforming sign. This section does not authorize the replacement or modification to the cabinet or frame of a legally existing non-conforming sign.
 10. All permanent signs valued at \$1,000 or more are required to be installed by a licensed sign contractor.
 11. All signs shall comply with applicable provisions of the International Building Code (IBC) and Article 600 of the National Electrical Code (NEC) (UL or approved listing required).
- B. Inspections.
1. Inspection of all mounting brackets, electrical work, and freestanding sign bases shall be required as specified in the International Building Code;
 2. Freestanding signs require an inspection of the forms and size of hole prior to the pouring of concrete;
 3. Failure to obtain the minimum inspections may result in a prohibition against using the freestanding sign base without further code compliance; and
 4. Inspections are not required for re-faces of legally existing signs, painted building signs, wall art, window signs or other types of signs as determined by the Department of Community Development.
- C. Message Substitution on Permanent Signs.
- A noncommercial message of any type may be substituted for any permitted or allowed commercial message or any permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.

§17.33.080 Window Signs and Window Coverings

- A. Permanent window signs or window coverings are allowed on ground floor windows only. They shall not block clear view of exits or entrances or to create a safety hazard. The following shall also apply:
1. Window signs or window coverings shall not cover more than 50 % of the entire surface area of a group of windows;
 2. Window signs or window coverings shall not exceed 64 cumulative square feet in size; and
 3. In conjunction with all other wall signage, window signs and window coverings shall not exceed 20 % of the exterior wall areas of the ground floor tenant.
- B. Window displays and signs located within a store and not attached to a window are not regulated by the City.
- C. Window signs that are displayed without change for a period of less than 60 days per calendar year shall be defined as “temporary” for purposes of this chapter. Window

signs displayed without change for a period of 60 days or more per calendar year shall be defined as “permanent” for purposes of this chapter and shall obtain sign permits prior to installation (See Table 17.33.030.B1).

- D. Window “perfs”, window wraps, window decals, etc., are considered window signs and regulated as such.

§17.33.090. Real Estate Signs

Real estate signs shall be permitted in all zoning districts subject to the following:

- A. One such sign shall be allowed per parcel per street frontage;
- B. Real estate signs shall be non-illuminated;
- C. Real estate signs on nonresidential sites shall not exceed thirty-two (32) square feet in area and six (6) feet in height;
- D. Real estate signs on residential lots shall not exceed four (4) square feet in area or be more than four (4) feet in height;
- E. Such signs shall be removed within 5 days from the date of closing or full occupancy, if leasing;
- F. Signs shall not be placed on public property or within the public right-of-way except for open house signs detailed in subsection H; such off-premise signs may be removed by the City;
- G. Real Estate Signs shall only be located on the subject property for sale. Signs which serve as a directional sign to a sale property shall be prohibited, except as provided in subsection H. Such off-premise signs may be removed by the City;
- H. Open House Signs. In addition to a Real Estate Sign located on the subject property, open house signs shall be permitted as follows:
 - 1. Signs are limited to a maximum size of four (4) square feet in area and four (4) feet in height;
 - 2. One open house sign may be permitted within the public right-of-way in the landscape strip at the nearest corner to direct traffic to the open house. The sign shall be placed no earlier than 7 days prior to the start of the open house and shall be removed within 24 hours of the end of the open house;
 - 3. Associated balloons, streamers, or attention-getting devices shall be placed on the subject property for sale only and may not cause a safety hazard;
 - 4. Signs shall be on posts that are placed into the ground. Sandwich boards or freestanding open house signs shall not be permitted due to the potential of winds blowing the signs into the traveled way;
 - 5. Not more than one open house sign may be placed on a corner; and
 - 6. No individual open house shall be identified by more than three signs located in the public right-of-way.
- I. Real Estate Signs shall be located outside of the sight distance triangle.

§17.33.100 Construction Signs

- A. Construction signs may not be located within the sight distance triangle;
- B. Such signs may identify the project name and major participants, including but not limited to, owner, developer, planner, architect, engineer, builder, financier, unions, or skilled trades;
- C. Four signs may be permitted per project per street frontage. One (1) additional sign is allowed per street per every 450 feet of street frontage. No more than six (6) construction signs will be allowed per project;
- D. Signs shall not be placed on public property, utility poles, light poles, or within the public right of way unless authorized by Logan City. Such off premise signs may be removed by the City;

- E. For construction of individual single family residences, signs shall not exceed four (4) square feet in area and four (4) feet in height above the ground;
- F. For non-residential development, residential subdivisions and multi-family residential construction, signs shall not exceed thirty two (32) square feet in area and (6) feet in height and may be placed on construction fencing surrounding a project site; and
- G. Such signs shall be removed within 5 days of the date of the issuance of the last certificate of occupancy, or sale of all lots, whichever occurs first.

§17.33.110. Temporary Signs

- A. Temporary Signs with an on-premise commercial message within the TC, CC, COM, MU, GW, CS, IP & AP zoning districts shall be allowed as follows:
 - 1. Signs shall not exceed twelve (12) square feet per facing and a maximum height of four (4) feet above the ground;
 - 2. A maximum of three (3) different temporary signs may be placed on any one property per calendar year; and
 - 3. Each sign shall not be displayed for longer than thirty (30) days in a calendar year.
- B. Temporary Signs with an on-premise commercial message in the NR zones, MR zones, CR, NC, RC, PUB & REC zoning districts shall only be allowed as follows:
 - 1. Signs shall not exceed four (4) square feet per facing and a maximum height of four (4) feet above the ground;
 - 2. A maximum of four (4) different temporary signs may be placed on any one property per calendar year; and
 - 3. Each sign shall not be displayed for longer than seven (7) days in a calendar year.
- C. Temporary signs with a noncommercial message of any type in any zoning district shall be as follows:
 - 1. Signs shall not exceed four (4) square feet per facing and a maximum height of four (4) feet above the ground; and
 - 2. A maximum of one (1) sign per each noncommercial opinion, message, issue or candidate for elected office may be placed on any one property per calendar year.
- D. All Temporary Signs shall only be allowed as follows:
 - 1. Signs shall be located on private property with the owner's permission;
 - 2. Signs shall not be stacked;
 - 3. Signs shall not be placed in the public right of way or on public property;
 - 4. Signs shall not be placed in the sight distance triangle;
 - 5. Signs shall not be illuminated;
 - 6. Signs shall not be mounted to fences;
 - 7. Signs shall not be mounted to trees or utility poles;
 - 8. Signs shall be maintained in a safe condition. Signs that are damaged, broken or displayed in a manner to be a safety hazard shall be subject to immediate removal;
 - 9. Signs shall be placed in/on landscaped areas and patios. No signs shall be allowed in/on parking lots or vehicular driveways;
 - 10. Signs shall be securely fastened/anchored to the ground;
 - 11. Signs shall consist of sturdy or rigid material that does not move or give the appearance of movement;
 - 12. Unless otherwise evident (i.e., campaign signs), temporary signs shall include a notation or certificate on the back of the sign listing a responsible person to contact regarding the sign including the name address and phone number and the dates or date range the sign is displayed; and
 - 13. Temporary Signs do not require sign permits prior to installation.

- E. Special Event Temporary Signs. Temporary signs may be placed on private property by a special event organizer to promote a licensed special event in Logan. Special event signs are allowed as follows:
1. A maximum of eight (8) temporary signs and two (2) banners may be placed per event;
 2. Signs may be placed no more than seven (7) days prior to the event;
 3. All signs shall be removed within 24 hours of the end of the event;
 4. Signs shall be placed on private property with the owner's permission;
 5. No signs shall be placed on public property or within the public right-of-way including the park strip;
 6. Temporary signs shall not exceed four (4) square feet per facing and a maximum height of four (4) feet above the ground;
 7. Special event signs are subject to regulations stated in §17.33.110.D;
 8. All special event banners are subject to regulations stated in §17.33.120;
 9. No more than one (1) sign on any one property per event;
 10. No more than four (4) signs along any street frontage per event; and
 11. A signage and Marketing plan shall be submitted and approved as part of a Special Event License prior to placing special event signs.

§17.33.120 Banners

- A. Banners shall be allowed as follows:
1. Banners shall not exceed forty-eight (48) square feet in area;
 2. Banners shall be located on private property with the owner's permission;
 3. Banners shall not be placed in the public right of way or on public property;
 4. Banners shall not be placed in the sight distance triangle;
 5. Banners shall be securely attached flush to the wall of primary buildings, except for Banner Flags, which shall be securely anchored into the ground;
 6. Commercial banners shall be maintained in safe condition. Banners that are damaged, faded, torn, broken, or displayed in such a manner to be a safety hazard shall be subject to immediate removal;
 7. Banners shall not be mounted between poles;
 8. Banners shall not be mounted between a building and a pole;
 9. Banners shall not be mounted on a fence;
 10. Banners shall not hang below the bottom of awnings, canopies, or other overhangs or between columns or pillars;
 11. Banners shall not be mounted on freestanding signs;
 12. Banners are only permitted in the TC, IP, CC, COM, MU, & CS zoning districts;
 13. A maximum of two (2) banners may be placed on any one property;
 14. Banners shall not be displayed for longer than sixty (60) consecutive days and no more than two (2) times in any calendar year; and
 15. Banners shall include a notation or certificate on the back of the banner listing a responsible person to contact regarding the banner including the name address and phone number and the dates or date range the sign is displayed.
- B. Holiday Promotional Periods. In addition to the specific standards contained in Section 17.33.120, a business may advertise a special service, product, or sale during the holiday periods defined in Table 17.33.120. Only one additional banner sign, not exceeding 48 square feet in size, is allowed during these periods. The banner shall meet the stipulations of Section 17.33.120.A, and shall be removed by the end of the first business day after the associated holiday.
- C. Community Event Banners. In addition to the specific standards contained in Section 17.33.120, a non-profit entity may advertise or promote a community event using

temporary banners that are consistent with the requirements of Section 17.33.120.A, excepting the following:

1. Up to five (5) temporary banners advertising a community event shall not be displayed for longer than ten (10) days and shall be removed by the end of the first business day after the associated event, and up to ten (10) additional temporary banners may be displayed on the day prior to the associated event and shall be removed by the end of the first business day after the associated event;
2. A community event banner may be placed in the public right of way or on public property with written permission from Logan City;
3. A community event banner may be attached to a fence; and
4. A community event banner may be placed off-site provided the community event banner is used to help direct traffic and people towards the event.
5. In lieu of using temporary banners, a non-profit entity may substitute up to 10 temporary signs no larger than four (4) square feet and in compliance with the regulations in Subsection 17.33.110.D.

Table 17.33.120: Holiday Sign Promotional Periods

Holiday Period	Permitted Display Time
Presidents Day and Valentine's Day	5 days including the holiday
St. Patrick's Day – March	5 days including the holiday
Easter – March or April	5 days including the holiday
Memorial Day – May	5 days including the holiday
July 4 th and July 24 th	5 days including the holiday
Labor Day – September	5 days including the holiday
Thanksgiving – November	7 days including the holiday
Christmas, New Year's	23 days starting December 10 and ending January 2

- D. Temporary Event Banners. Temporary event banners may be permitted within the Town Center (TC) Zone provided they are consistent with the requirements of Section 17.33.120.A, excepting the following:
1. Up to three (3) temporary event banners may be installed on the façade of a building during an event. These temporary event banners may be installed 14 days prior to the actual event, and shall be removed within seven (7) days of the conclusion of the event. The total amount of time the temporary event banners may remain on a building façade for any single event is 60 days.

2. There shall be no other banners placed on the building during the time a temporary event banner is present.
3. No more than 60% of the building face shall be covered by the temporary event banners. Temporary event banners are only permitted on the street facing facades, shall remain at least ten (10) feet above the adjacent sidewalk, and shall not be installed above the top of the building facade
4. The minimum size of the temporary event banners shall be at least 128 square feet (8' wide x 16' long) while the maximum size of the temporary event banners shall be no larger than 512 square feet (16' wide x 32' long). The temporary event banners shall be designed, oriented, and installed vertically rather than horizontally using a 1 to 2 ratio (every one (1) foot of horizontal banner measurement shall equal two (2) feet of vertical banner measurement).
5. Any specific building is limited in its use of the temporary event banners to no more than 120 cumulative days per year.
6. A sign permit shall be secured from the Department of Community Development for each temporary event and prior to banner installation.

§17.33.130. Portable Signs

One Portable Sign (also identified as “Sandwich Boards” or “A Frame Signs”) with an on-premise commercial message is allowed per business within the TC, CC, and COM zoning districts subject to the following guidelines:

- A. The sign is placed entirely outside of roadways, on-site drive-isles, landscape areas, or designated parking areas. The sign shall be located on the pedestrian areas abutting the business and within 20' of the main entrance;
- B. The sign shall not be closer than 25 horizontal feet to another portable sign;
- C. A six (6) foot wide clear path area on the existing hard surface shall be maintained, and such sign shall not obstruct any pedestrian or wheelchair access, including but not limited to, access from the sidewalk to transit stops, designated disabled parking stalls, disabled access ramps and building exits;
- D. The sign shall not exceed 3.5 feet in height nor be more than two (2) feet wide;
- E. The sign shall be taken down and stored inside the business at the close of business every day;
- F. The portable sign is not subject to the temporary sign standards contained in Section 17.33.110; and
- G. Commercial centers and their tenants shall not place portable signs within the public right-of-way.

§17.33.140. Prohibited Signs

The following signs shall be prohibited in all zoning districts unless otherwise authorized:

- A. Signs that do not comply with the provisions of this section or sign types not specified within this section, except for legally existing nonconforming signs;
- B. Off-premise signs, except where specifically allowed by this chapter;
- C. Signs above or within the public rights-of-way, except for signs specifically allowed in section 17.33.150 “Signs in the Public Right-of-Way”;
- D. Permanent signs on lots without a principal use;
- E. Building signs that extend above the parapet or roof;
- F. Signs attached to the roof of a building;
- G. Portable “reader boards” and other portable signs that are not attached to a building or the ground except as otherwise defined in this chapter;
- H. Signs that rotate, flash, move or give the appearance of motion, but not including barber poles;

17.33: Signs

- I. Signs that are attached to or towed behind a vehicle, except for business identification signs or logos that are permanently affixed to the vehicle or a magnetic sign that serves the purpose of being affixed to the vehicle;
- J. Signs that emit sound, odor or visible matter such as smoke or vapor;
- K. Signs painted on or attached to utility poles, trees or natural features (signs painted or engraved onto boulders or natural materials as a part of the sign permit may be permitted in conformance with this chapter);
- L. Signs that are abandoned, dilapidated, or advertise businesses that are no longer licensed or situated on the location;
- M. Sign structures, poles, pylons, and other supports not maintained or kept in good aesthetic and physical condition;
- N. Signs with visible frames unless part of the approved sign design;
- O. Signs that exhibit words or pictures of an obscene nature;
- P. Parking of vehicles or trailers off-premise, or within landscaped areas, or outside of designated parking stalls, or in other areas in a manner primarily oriented to the adjacent street(s) with signs either attached to or placed upon that result in the vehicle or trailer serving as a sign or billboard. Unhitched trailers parked in a parking stall adjacent to street(s) with signage attached or placed upon. Large vehicles with signage attached or placed upon that are parked in a manner that consumes more than one parking stall adjacent to street(s);
- Q. Signage that includes a visible or direct light source with the exception of neon or other lighting that has been approved as a part of the sign design (see Section 17.33.060 on illumination);
- R. Signs that would cause a violation of the building code;
- S. Attention getting devices, inflatable objects (except balloons), and inflatable signs; or
- T. Signs that are placed, held or worn as part of a costume in the public right-of-way or off-premise with the intent of commercial advertisement directed to vehicle and pedestrian traffic.

§17.33.150. Signs in the Public Right-of-Way

- A. No Signs shall be allowed in the Public Right-of-Way, except for the following:
 - 1. Emergency warning signs erected by a governmental agency, public utility or contractor authorized to work within the right-of-way;
 - 2. Public signs erected by or on behalf of a governmental entity to post legal notices, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - 3. Community or public events may have signs within the public right-of-way as approved by the Department of Community Development and the City Administration Department;
 - 4. Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
 - 5. Temporary signs identified elsewhere in this chapter as being permitted in the right-of-way are not subject to the prohibition of this section;
 - 6. Perpendicular (blade) signs as permitted in this chapter are not subject to the prohibition of this section; or
 - 7. Cache Valley Transit District (CVTD) bus stop shelter advertisements as defined in Section 17.33.170.
- B. Removal.

Any sign installed or placed on public property, except in conformance with the provisions above, shall be forfeited to the public and subject to confiscation. In addition to other remedies, the City shall have the right to recover from the owner or person placing such a sign the full costs of its removal and disposal.

§17.33.160. Electronic Message Display (EMD)**A. Permit Required.**

1. All EMD signs shall require a Sign Permit.
2. Off premise advertising of a commercial nature is prohibited on all EMD's. Signs may only advertise for businesses operating on the same property or within the same approved project, and as outlined in the approved Sign Permit.
3. Exception to off premise advertising: Public Service Announcements. All EMD's are permitted to conduct Public Service Announcements of a non-commercial and temporary nature.

B. Permitted Zones.

1. EMD's shall only be permitted in the Commercial (COM), Commercial Services (CS), Town Center (TC), Industrial Park (IP), Public (PUB) & Recreation (REC) zoning districts.
2. EMD's are prohibited in the Logan Center Street Historic District.
3. EMD's located in the COM, CS, TC, and IP zoning districts are prohibited within 300' of a Neighborhood Residential Zoning District.
4. Pole EMD signs are specifically prohibited in all zoning districts.

C. Operational Standards.

1. The following frame effects and transitions are permitted in all listed zones except Public and Recreation:
 - a. Dissolve with 0 – 1 second between spots;
 - b. Fade with 0 – 1 second between spots;
 - c. Instantaneous transitions between advertisements;
 - d. Static images;
 - e. Animation;
 - f. Scrolling (vertical movement of message); and
 - g. Travel (horizontal movement of message).
2. The following frame effects and transitions are prohibited in all listed zones:
 - a. Flashing transitions;
 - b. Blank white transitions;
 - c. Flashing and blinking;
 - d. Starbursts; and
 - e. Any frame effect not listed as permitted in Section 17.40.160.C.1.
3. The following frame effects, transitions and operational standards are permitted in the Public and Recreation zoning districts:
 - a. Static images;
 - b. Scrolling (vertical movement of message);
 - c. Travel (horizontal movement of message);
 - d. Only a single color message is permitted; and
 - e. EMD's in the PUB and REC zoning districts within 300' of a residential zoning district shall not operate between the hours of eleven (11) p.m. and five (5) a.m.
4. Background. No sign shall utilize a white background for greater than or equal to 50% of the sign area.
5. Dwell Time. Each message/advertisement displayed on an EMD shall remain "on" and static for at least three (3) seconds.
6. Sign Brightness and Illumination Standards. All EMD's are required to comply with the following illumination standards:
 - a. All permitted EMD's shall be equipped with Photocell technology to respond to varying light conditions and provide automatic dimming of the sign illumination;

- b. Prior to the issuance of a Sign Permit, the manufacturer shall be required to submit written certification that the light intensity does not exceed the maximum levels specified in Table 17.33.160 and the sign is equipped with photocell dimming capability;
 - c. All EMD sign illumination and/or brightness shall not exceed 270 Foot Candles during daytime hours (15 minutes after sunrise), and 26 Foot Candles during nighttime hours (15 minutes after sunset); and
 - d. The differences between the off and solid message measurements using the EMD measurement criteria shall not exceed 1.0 foot candles.
7. EMD Illumination Measurement Criteria. The illumination or brightness of all EMD's shall be measured by utilizing a foot candle meter with the following criteria:
- a. Illumination or brightness shall be measured with the EMD off, and again with the EMD on displaying a white image for a full color capable EMD, or a solid message for a single color EMD.
 - b. All measurements shall be taken perpendicular to the face of the EMD at a distance determined by Table 17.40.160:

Table 17.33.160: Illumination Measurement Distance

Sign Area Versus Measurement Distance	
Area of Sign sq ft.	Measurement Distance (ft.)
10	32
15	39
20	45
24	49
25	50
30	55
35	59
40	63
45	67
48	69
Formula: Measurement Distance equal to the square root of (Area of Sign Sq. Ft. x 100)	

- D. EMD Sign Area.
- 1. Building Signs.
 - a. The EMD sign area shall be included as part of the total allowable sign area for the building and shall not exceed thirty-two (32) square feet; and
 - b. Building EMD signs shall not be mounted above fifteen (15) feet in height.
 - 2. Monument Signs.
 - a. A monument sign shall never consist solely of an EMD within the entire sign area;
 - b. The EMD portion of a monument sign shall not exceed 66% of the overall sign area and shall not exceed thirty-two (32) square feet for projects that contain less than 450 linear feet of street frontage. The EMD portion shall not exceed more than 66% of the total sign area and shall not exceed forty-seven (47) square feet for projects that contain more than 450 feet of frontage on a single street. The EMD must be placed on the street frontage with more than 450 feet of frontage; and

- c. **Materials and Landscaping – Monument EMD Signs.** The sign material used in the design of the monument EMD shall match or compliment the materials of the primary building. All monument EMD signs shall have a base and frame width of at least six (6) inches. Landscaping shall be required adjacent to the sign, shall include a mixture of shrubs and perennials intended to soften the sign's surroundings, and shall be reviewed as part of the Sign Permit process.
- 3. EMD Signs in Public and Recreation zoning districts shall not exceed twenty-four (24) square feet in size.
- E. **Compliance.**
All legally existing non-conforming EMDs shall comply with the operational standards enumerated in Section 17.33.160.C. The size and locations of legally existing non-conforming EMD signs are exempt from the location and size standards of this Section and are otherwise regulated by Section 17.52.080.

§17.33.170. Public Bus Stop Shelter Signage

- A. **Location.**
 - 1. One (1) twenty-four (24) square foot maximum sign may be permitted on one of the two walls of the bus shelter that are perpendicular to the street. Only one perpendicular wall on the shelter may be used for signage;
 - 2. Signage is permitted only at public transportation bus stop shelters located within the Commercial and Industrial zoning districts and outside of the Historic District boundaries; and
 - 3. No signage is allowed on bus stop benches.
- B. **Sign Area.**
 - 1. Signs shall be a maximum of twenty-four (24) square feet per shelter; and
 - 2. Route maps and other transit oriented information will not be counted as part of the sign area.
- C. **Sign Illumination.**
 - 1. Sign lighting or sign illumination is prohibited for this type of signage; and
 - 2. No Electronic Message Display (EMD) signs allowed at any bus stop location.
- D. **Sign Type.**
 - 1. Sign material shall be attached to bus shelter glass and have a 50/50 visual opacity ratio that allows bus passenger inside the shelter and bus driver to see one another.

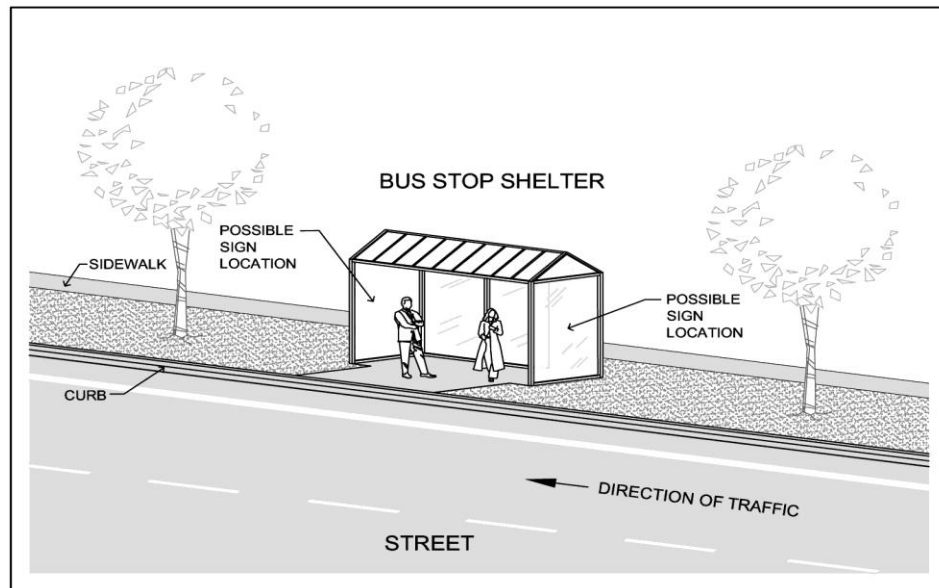


Figure 17.33.140: Cache Valley Transit District Shelter Signage

§17.33.180. Archway Signs

Archway signs are signs that span either between two buildings or independent supports structures and only have individual lettering located in front of an open horizontal cross-support. Archway signs shall only act as a project identification sign. EMD's are prohibited on archway signs. Archway signs may be located at the vehicle or pedestrian entrances to a project and shall never be located above or within the public right-of-way. Illumination shall be minimal and done with concealed source lighting. If attached to buildings, an archway sign may extend no more than four (4) feet above the adjacent rooflines. Archway signs require track two design review approval.

Chapter 17.34: Residential Density and Height Bonuses

§17.34.010. Purpose and Intent

The purpose of this Chapter is to promote exceptional site and building design in conjunction with the efficient and flexible use of land in the Town Center and the Mixed Use zones by encouraging the incorporation of residential density and height bonuses into exceptional projects. The intent of this Chapter for the Town Center Zone is to encourage and incentivize higher quality building design utilizing traditional building materials and historic elements that complement the character of the existing neighborhoods. The intent of this Chapter for the Mixed Use zone is to encourage and incentivize innovative site and building design that emphasizes compact, vertical arranged mixture of compatible uses arranged around creative open areas interwoven with pedestrian connections linking new neighborhoods with existing neighborhoods. The intent of this Chapter for other applicable zones is to use density bonuses to encourage the construction of Moderate Income Housing as a component of a residential or mixed use project.

§17.34.020. Applicability

Residential density and/or height bonuses apply in the Town Center (TC-1) and Mixed Use (MU) zones only. Residential density bonuses for Moderate Income Housing apply in the Town Center 2 (TC-2), Commercial (COM), Mixed Use (MU), Mixed Residential Transitional (MR-9), Mixed Residential Low (MR-12), Mixed Residential Medium (MR-20), and Mixed Residential High (MR-30).

§17.34.030. General Requirements, Limitations and Eligibility for Residential Density and Height Bonuses in the Town Center Zone

- A. All residential density and height bonus considerations require approval through the Track 2 Design Review process.
- B. Projects seeking a density or height bonus are still subject to the Neighborhood Residential height and setback transition standards.
- C. The application of a density or height bonus to a project does not eliminate nor vary any other standard applicable to a project, e.g., parking, landscaping, open space, setbacks, design requirements, etc.
- D. An applicant shall provide all necessary graphics, calculations, buildings plans, site plans, vicinity maps, and other materials required to adequately demonstrate compliance with the density and height bonus standards.
- E. A covenant (development agreement, deed restriction, contract, etc.) shall be submitted in writing and approved by the City to ensure that any systems or features developed and installed to obtain a bonus will be functionally and aesthetically maintained in perpetuity, that the timing of the construction and/or installation of said features is sufficient to guarantee their construction and/or installation at the front end of a project and ultimate completion prior to the issuance of a Certificate of Final Occupancy by the City, and such covenant shall require that any systems or features be replaced or renewed if failure or partial failure occurs for the system or feature considered for a bonus.

17.34: Residential Density and Height Bonuses

- F. The use of traditional building materials refers to the design and construction of a new building utilizing traditional building materials commonly found on commercial buildings in downtown Logan, including brick, stone, wood, tile, or metal. Certain building materials that are not common to downtown Logan include stucco, large glass panels, composites, plastics, vinyl's, etc., and would not be appropriate building materials to be used when seeking a density or height bonus for the use of traditional materials.
- G. The integration of historic design characteristics into the design of a new building refers to the utilization of a number of important historic design elements and characteristics such as building orientation, setbacks, scale, height, massing, fenestration (windows & doors), form (base, middle & top), and details such as cornices, moldings, overhangs, reveals, and projections that are commonly found on buildings in downtown Logan. New building designs not incorporating these design elements and characteristics would not be eligible for either a density or a height bonus.



This building façade with its extensive use of stucco and lack of historic design elements are not in character with the traditional building design found in downtown Logan

§17.34.040. Specific Standards for Density & Height Bonuses in the Town Center Zone

A project may request a residential density or building height bonus by utilizing one of the bonus paths outlined below. Table 17.37.040.A lists the maximum density bonuses and building height bonuses based on the selected path. A project may qualify for both a density bonus and a height bonus. Density bonuses are cumulative meaning a project could qualify for both a density bonus based on superior design and a density bonus for structured parking. The Height bonuses are not cumulative.

A. Residential Density Bonus.

1. Building Design. The use of traditional building materials along with the integration of historic design characteristics are important to Logan City as it reflects the historical character of the community and increases the likelihood of compatibility between new development and existing neighborhoods. A residential density bonus of up to fifteen (15) additional units per acre shall be given where a project demonstrates a superior building design through the use and integration of traditional



Historic Cache County Courthouse exhibits traditional building materials and design elements common to downtown Logan

17.34: Residential Density and Height Bonuses

- building materials and design elements.
2. Structured Parking. A residential density bonus of up to thirty (30) additional units per acre shall be given if the project design includes a parking structure for at least 75% of the required parking stalls. Structured parking excludes garages, carports, or other similar structures.
- B. Building Height Bonus.
1. Building Design. The use of traditional building materials along with the integration of historic design characteristics are important to Logan City as it reflects the historical character of the community and increases the likelihood of compatibility between new development and existing neighborhoods. A height bonus of up to twelve (12) feet shall be given where a project demonstrates a superior building design through the use and integration of traditional building materials and design elements.
 2. Structured Parking. A height bonus of up to twenty-four (24) feet shall be given where the project design includes structured parking for at least 75% of the minimum parking.

Table 17.34.040.A: Maximum Residential Densities (Dwelling Units Per Acre) and Maximum Building Height

Zone	Standard Maximum Density	Density Bonus	Maximum Density w/Bonus	Standard Maximum Height	Height Bonus	Maximum Height w/Bonus
Town Center (TC-1)	70 du/acre		du/acre	55' - 80'		
Superior Design	70	15	85	55' - 80'	12'	55' - 92'
Structured Parking	70	30	100	55' - 80'	24'	55' - 104'
Superior Design & Structure Parking	70	45	115	55' - 80'	24'	55' - 104'

Note: The density bonus is cumulative while the height bonus is not. A project may be eligible for up to a maximum of 115 dwelling units per acre if the City finds that the project is of a superior design and provides structured parking for at least 75% of the units. The same project would only be eligible for a maximum height bonus of 24'.

§17.34.050. General Requirements, Limitations and Eligibility for Residential Density Bonuses in the Mixed Use Zone

- A. All residential density bonus considerations require approval through the Track 2 Design Review process.
- B. Projects seeking a density bonus are still subject to the Neighborhood Residential height and setback transition standards.
- C. The application of a density bonus to a project does not eliminate nor vary any other standard applicable to a project, e.g., parking, landscaping, open space, setbacks, design requirements, etc.
- D. An applicant shall provide all necessary graphics, calculations, buildings plans, site plans, vicinity maps, and other materials required to adequately demonstrate compliance with the density bonus standards.
- E. A covenant (development agreement, deed restriction, contract, etc.) shall be submitted in writing and approved by the City to ensure that any systems or features developed and installed to obtain a bonus will be functionally and aesthetically maintained in perpetuity, that the timing of the construction and/or installation of said features is sufficient to guarantee their construction and/or installation at the front end of a project and ultimate completion prior to the issuance of a Certificate of Final Occupancy by

17.34: Residential Density and Height Bonuses

the City, and such covenant shall require that any systems or features be replaced or renewed if failure or partial failure occurs for the system or feature considered for a bonus.

- F. Density bonuses are cumulative in that a proponent could propose to incorporate multiple bonus elements into the project design in order to qualify for a density bonus provided the total density bonus does not exceed 30 additional units per acre.
- G. Partial density bonuses can be granted based on the type and amount of the proposed bonus elements being undertaken. For example, a project that includes a parking terrace sized to accommodate 25% of the required parking stalls, could qualify for an additional 10 residential units per acre.

§17.34.060. Specific Standards for Density Bonuses in the Mixed Use Zone

A project may request a residential density bonus by utilizing one or more of the project enhancements listed below.

A. Residential Density Bonus.

1. **Structured Parking.** A residential density bonus of up to 20 additional units per acre may be given if the project design includes a parking structure for at least 50% of the required parking stalls. Structured parking excludes individual garages, carports, or other similar structures.
2. **Useable Outdoor Space.** A residential density bonus of up to 20 additional units per acre may be granted if the required amount of useable outdoor space is increased by at least 150% and is provided as public gathering areas and/or useable outdoor space. Public Gathering Areas are generally defined as shared public spaces where people can comfortably congregate and socialize and include plazas, parks, public squares, sidewalks in front of small businesses, courtyards with seating, or any other area that provides outdoor seating (chairs or benches), are visually prominent, and are easily accessible.
3. **Vertical Mixed Use.** A residential density bonus of up to 15 additional units per acre may be granted if all buildings fronting onto a public street regardless of street classification have street facing commercial space on at least 50% of the ground floor and residential uses above. This density bonus provision is not applicable to buildings fronting onto either an Arterial or Collector street and already required to include ground floor commercial pursuant to Section 17.10.100.
4. **Complete Streets.** A residential density bonus of up to 15 additional units per acre may be granted if the project incorporates a “Complete Streets” design approach into the overall project (See Figure 17.34.060.A). The goal of Complete Streets is to ensure that the safety, accessibility, and convenience of all transportation users, pedestrians, bicyclists, bus/transit riders, and motorists, is accommodated. The characteristics of a Complete Street include wider sidewalks, narrow travel lanes, bike lanes, crosswalks, refuge medians, bus pullouts, bulb-outs, strategic on-street parking, lower speeds, functional street furniture, additional landscaping, and any other element that increases safety and enhances the environment for those who walk and bike.
5. **Additional Commercial Areas.** A residential density bonus of up to 15 units/acre may be granted if the minimum amount of required commercial space is increased by 100%.
6. **Moderate Income Housing/Affordable Housing Units.** On project sites larger than three acres, a residential density bonus of up to 5 additional units per acre may be granted if at least 5% of the total residential units are designated as affordable units (serving residents who are at or below the 80% AMI income threshold).

§17.34.070. General Requirements, Limitations and Eligibility for Moderate Income Housing/Affordable Housing Residential Density Bonuses

- A. All residential density bonus considerations require approval through the Track 2 Design Review process.
- B. Projects seeking a density bonus are still subject to the applicable height and setback transition standards.
- C. The application of a density bonus to a project does not eliminate nor vary any other standard applicable to a project, e.g., parking, landscaping, open space, setbacks, design requirements, etc.
- D. An applicant shall provide all necessary graphics, calculations, buildings plans, site plans, vicinity maps, and other materials required to adequately demonstrate compliance with the density bonus standards.
- E. A covenant (development agreement, deed restriction, contract, etc.) shall be submitted in writing and approved by the City to ensure that any systems, features, or affordable units developed and installed to obtain a bonus will be functionally and aesthetically maintained in perpetuity, that the timing of the construction and/or installation of said features is sufficient to guarantee their construction and/or installation at the front end of a project and ultimate completion prior to the issuance of a Certificate of Final Occupancy by the City, and such covenant shall require that any systems or features be replaced or renewed if failure or partial failure occurs for the system or feature considered for a bonus.
- F. Moderate Income Housing/Affordable Housing Units. On project sites larger than three acres, the total residential density may be increased by up to 20% if at least 10% of the total residential units are designated and deed restricted as affordable units (serving residents who are at or below the 50% AMI income threshold).

§17.34.080. Failure to Comply

Failure to comply with any bonus requirements, covenants and/or conditions of approval shall result in a restriction of the use of bonuses granted, until compliance is achieved.

Figure 17.34.060.A: Illustration of a Complete Street vs Traditional Street layout

Chapter 17.35: Micro Living Units

§17.35.010. Purpose and Intent

The purpose of these regulations is to allow the development of reduced size dwelling units, defined as Micro Living Units (Micro Units), to provide additional affordable housing opportunities near employment or commercial centers, and within close proximity to transit service or functional bike/pedestrian facilities.

§17.35.020. Applicability

New micro units are permitted in the Mixed Residential Medium (MR-20), Mixed Residential High (MR-30), Town Center 1 (TC-1), Town Center 2 (TC-2), Commercial (COM), and Mixed Use (MU) zoning districts subject to the location requirements listing in this Chapter.

§17.35.030. Location Requirements

Micro units shall be located within a 1/4 mile of Main Street or a business/institution employing more than 100 individuals, *and* shall be located within 1/4 mile of a CVTD transit stop or an identified bike/pedestrian route.

§17.35.040. Market Rate versus Low Income Rates

At least 25% of the micro units shall be available for people at or below 30% of the Area Median Income (AMI) and no more than 25% of the micro units shall be market rate. A deed restriction will be required as part of the project approval.

§17.35.050. Conversion of Existing Buildings to Micro Living Units

- A. Existing, underutilized hotels, motels, travel lodges, multi-family residential buildings, or general commercial buildings may be converted to micro units in the Town Center (TC-2), Commercial (COM), and Mixed Use (MU) zoning districts.
- B. Micro unit housing developments created through a conversion project are subject to the underlying zoning district requirements, except for the maximum density provisions listed elsewhere in this Chapter.
- C. Minimum vertical mixed use or commercial square footage requirements in the underlying zone are not applicable to micro unit housing projects created through a conversion project.
- D. The conversion of existing single family residential structures to micro unit housing is prohibited.

§17.35.060. Minimum Development Standards

- A. Occupancy. Each micro unit shall be designed to accommodate a maximum of two (2) persons.
- B. The minimum area of a micro unit shall be no less than 150 square feet, excluding closet and bathroom, while the maximum area is limited 400 square feet.
- C. The minimum width of a micro unit shall be 12 feet.
- D. All micro units are required to have a full bathroom, cooking facilities, and separate closet space.
- E. Transient occupancy of a micro unit is prohibited.

§17.35.070. Micro Unit Density Equivalent

Two micro units are equivalent to one dwelling unit in the underlying zoning district. If the underlying zoning has a maximum density of 20 units per acre, the maximum number of

17.35: Micro Living Units

micro units is 40 per acre. Micro unit housing projects are not eligible for any of the density bonus programs listed elsewhere in this Title.

§17.35.080. Common Indoor Facilities

- A. Micro unit housing projects shall have at least two hundred square feet of common indoor open space per ten units. Maintenance areas, laundry facilities, storage (including enclosed bicycle storage), and common hallways shall not be included as usable indoor common space.
- B. Common indoor open spaces shall be designed to accommodate appropriate furnishings such as lounge chairs, couches, tables with chairs, writing desks, televisions, and recreational amenities, and shall be furnished for use by residents.
- C. Laundry facilities shall be provided on-site and in a separate room at a rate of one washer/dryer per 10 units.
- D. All micro units shall have access to a separate usable storage space within the project boundaries.

§17.35.090. Vehicle and Bike Parking & Storage

The minimum parking requirement for a micro unit housing development is .75 stalls per unit. One covered and locking bicycle storage space shall be provided for each unit.

§17.35.100. Management

Twenty four hour on site management shall be provided for micro unit housing projects with twenty (20) or more units and shall include a dwelling unit designated for the manager.

Chapter 17.36: Home Occupations

§17.36.010. Purpose

This Chapter establishes use and development regulations for home occupations to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.

§17.36.020. Applicability

The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.

§17.36.030. General Regulations

A. The Following General Regulations Apply to All Home Occupations:

1. The business area shall comply with appropriate building code and fire code requirements.
2. Within the Single-Family zones, customer traffic to the residence is limited to six (6) customers by appointment per day or 30 per week. Any customer traffic in excess of six (6) customers per day or 30 per week will require the issuance of a Conditional Use Permit. The decision making authority may impose limitations on the number of customer appointments per day based on available parking, street access, home business location, or other site specific factors.
3. A home occupation in a residential dwelling unit within a multi-family structure may be permitted provided the landowner authorizes, in writing, the home occupation, and is subject to the requirements of this Chapter.
4. A home occupation in a single-family dwelling unit located within a multi-family zone shall be regulated as if it were located in a single-family zone.
5. If there is more than one employee working within the residence a Conditional Use permit is required.
6. If there is an employee working within the residence or if there is to be regular customer traffic by appointment, the home occupation shall comply with the Americans with Disabilities Act (ADA) under its least restrictive interpretation.
7. Employee parking shall be provided on-site and in conformance with the Land Development Code.
8. The area being used for a home occupation whether in the dwelling, attached or detached garage, shall not exceed 25% of the gross floor area of the residence.
9. If the home occupation is conducted in a garage, the minimum two off-street parking stalls required for residents of the dwelling shall still be provided in conformance with the Land Development Code. A home occupation cannot displace minimum residential parking.
10. Customer parking shall be accommodated primarily on-site and may be located on the street. The business shall take steps to manage customer arrivals and departures to not impact neighboring residential properties.

§17.36.040. Home Occupation Review and Licensing

A. Home Occupations Reviewed Administratively.

If the home occupation has no more than one non-resident employee working in the residence, has adequate off street parking, and will not exceed customer traffic thresholds, the home occupation may be permitted administratively.

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B. Home Occupations for which a Conditional Use Permit is Required.

A Conditional Use Permit is required for the following:

1. The home occupation will have more than one non-resident employee based at the residence, but not to exceed three non-resident employees;
2. The home occupation will have customer traffic by appointment in excess of six (6) persons per day or thirty (30) persons per week. The maximum amount of customer traffic for a home occupation shall not exceed ten (10) persons per day or forty (40) persons per week;
3. The home occupation has use characteristics that substantially fit the provisions of this Chapter, but are found by the Director to have the potential to affect neighboring residents;
4. The home occupation will exceed the 25% size threshold allowance; or
5. The business does not clearly qualify as a home occupation and cannot be approved by the Director.

C. Conditional Use Permit Application, Hearing, and Notice.

A home occupation requiring a Conditional Use Permit shall follow the provisions of Chapter 17.42.

§17.36.050. Uses Not Identified

The regulations of this chapter establish performance standards for home occupations. Uses that comply with all of the standards of this chapter may be permitted as home occupations unless specifically prohibited in this Title.

§17.36.060. Prohibited Uses and Operational Characteristics**A. Walk-in, Impulse, or Drop-in Customer Traffic.**

Any business which requires walk-in, unrestricted, or impulse customer traffic to regularly go to the residence in order for the business to financially succeed shall be prohibited as a home occupation.

B. Vehicle and Large Equipment Repair.

Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to a vehicle and/or its parts is prohibited.

C. Dispatch Centers.

Dispatch centers, where employees come to the residence to be dispatched to other locations, are not allowed as home occupations.

D. Animal Treatment, Training, Care, or Boarding Facilities.

Animal treatment, training, or boarding facilities shall not be permitted as home occupations. This includes animal training singly or in groups, animal hospitals, kennels, stables and all other types of animal boarding facilities. A business that is exclusively animal grooming is not subject to the provisions of this subsection.

§17.36.070. Signs

Signs are limited to a single sign, no larger than two (2) square feet and shall be mounted on the building. No sign shall be illuminated. No banners, window signs, posters, flags, exterior lighting or other attention getting devices shall be permitted. Signs shall not be painted in or on windows, and shall not be mounted in a window. Signs shall not be freestanding.

§17.36.080. Business Licenses

Business licenses shall be required for home occupations in conformance with the provisions and penalties of the Logan Municipal Code.

§17.36.090. Exterior Appearance

There shall be no change in the exterior appearance of the dwelling unit in which the home occupation is located or the site upon which the business is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving required setbacks, or adding commercial exterior lighting. There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except for the sign permitted by this chapter.

§17.36.100. Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Hazardous substances may be subject to additional restrictions based on proposed quantities, available storage, use, or disposal. No exterior storage shall be permitted, although storage may occur in an accessory building, provided that the accessory building shall not be larger than 25% of the residence footprint, not including garage.

§17.36.110. Trucks, Vehicles, Equipment and Materials

Vehicles, equipment, trailers, and materials used in conjunction with a home occupation shall not be parked or stored at the residence where the home occupation is licensed and being conducted out of. The only exception to this is that the personal vehicle of the business owner that also functions as a work vehicle is exempt from this limitation and may be parked at the personal residence.

§17.36.120. Deliveries

Vehicles used for delivery and pickup are limited to those normally servicing residential neighborhoods. A home occupation shall not require more than two (2) trips per week by a commercial tractor-trailer vehicle.

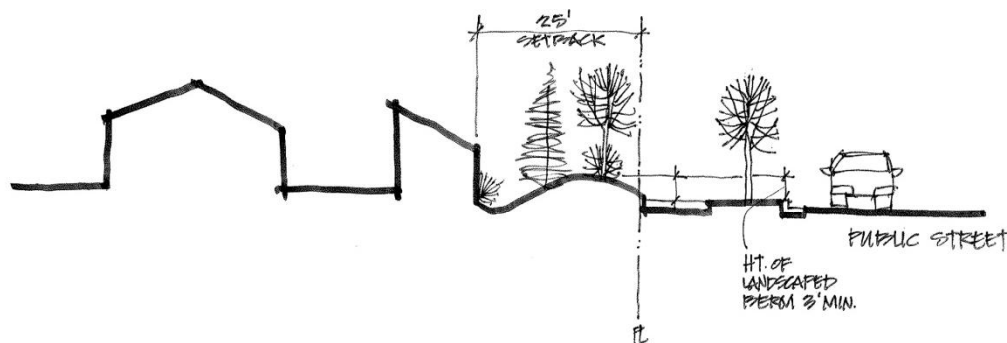
Chapter 17.37: Additional Development Standards

§17.37.010. Purpose

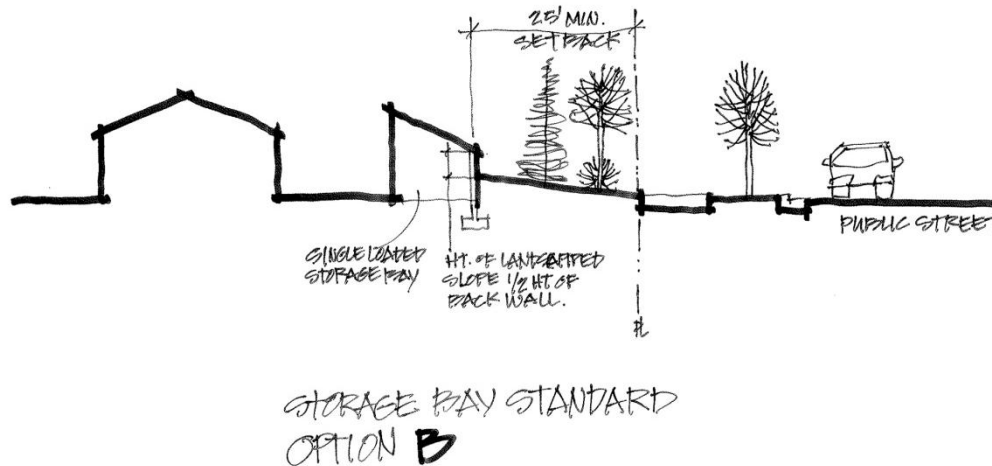
This Chapter provides development standards for specific categories of land uses for which conventional development standards of this Title need to be supplemented.

17.37.020. Self-Storage

- A. These additional requirements for self-storage uses are to ensure that this type of project is developed with minimal adverse impacts to surrounding properties and requires that the long-term appearance of storage units is maintained
- B. The following additional development standards are required for self-storage developments.
 1. Standard screening and setback requirements shall be increased by 100%. Storage of any kind is prohibited in required setbacks.
 2. All outside storage shall be located at the rear of the property, completely screened from public view by a solid screen fence approved through a design review permit.
 3. Storage units adjacent to any public roadway shall be single loaded with the back of the units facing the street and doorways of the units facing inward toward other storage units.
 4. Front yard setbacks shall be landscaped and screened with a combination of deciduous and coniferous trees and shrubs to cause at least a 50% screen within 5 years. Trees must be planted at 2½" caliper while shrubs must be planted with at least 5 gallon nursery stock.
 5. All side yard and rear yard setbacks shall be landscaped and screened with a combination of deciduous and coniferous trees and shrubs to cause at least a 25% screen within 5 years. Trees must be planted at 1½" caliper while shrubs must be planted with at least 1 gallon nursery stock.
 6. All setbacks are required to be irrigated by an automatic sprinkler irrigation system.
 7. The developer shall landscape and grade the street facing frontage using one of the following options:



STORAGE LAY STANDARD
OPTION A



§17.37.030. Adult-Oriented Businesses

- A. This section establishes reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse effects of such signage, and prevent inappropriate exposure of such businesses to the community. The Chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.
- B. Location of Businesses – Restrictions.
 1. Adult oriented business shall be conditionally permitted in the Industrial Zoning District subject to the provisions of this Chapter.
 2. No adult-oriented business shall be located:
 - a. Within 1,000 feet of any school, public park, library, or religious institution;
 - b. Within 1,000 feet of any residential use (no matter which zoning district) or residential zoning boundary;
 - c. Within 600 feet of any other adult-oriented business; and
 - d. Within 600 feet of any gateway or gateway corridor as identified in this Title and the General Plan. The distance shall be measured from the edge of the right-of-way.
 3. Distance requirements between structures and uses specified in this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the perimeter property boundaries of a school, public park, religious or cultural activity, residential use, or other adult-oriented business, or from the edge of right-of-way of a gateway to the structure of the adult-oriented business.
 4. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the adult-oriented business structure.
- C. Effect on Non-Conforming Businesses.
All lawfully established, legally existing, non-conforming adult-oriented businesses, shall comply with the provisions of this chapter by December 31, 2014, except in the case in which a business is required to be relocated. In cases where relocation is required for conformance with this section, the business shall have complied by December 31, 2015.

D. Signs.

Notwithstanding Chapter 17.33, signs for adult-oriented businesses shall be subject to the following standards:

1. No more than one exterior building-mounted sign shall be permitted;
2. No sign shall exceed 18 square feet in total sign area;
3. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises;
4. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be permitted on any sign. Signs shall contain alphanumeric copy only;
5. Only flat wall signs shall be permitted while awnings shall only display the street number in letters or numbers no greater than eight inches in height;
6. Painted wall advertising shall not be allowed; and
7. Other than the signs specifically allowed by this Chapter, an adult-oriented business shall not attach, construct, or allow to be attached or constructed, any temporary sign, banner, light, or other device designed to draw attention to the business location.

§17.37.040. The Right to Farm**A. Findings,**

1. As Logan grows, the City will begin to annex land area that is currently in agricultural production.
2. The City still has agricultural uses within its existing boundaries.
3. The City recognizes that owners of farms have certain rights for the agricultural uses to continue.
4. Protecting the rights of agricultural uses to continue is important to avoid conflict between long-standing agribusinesses and newly settled homeowners.

B. Right to Farm Standards,

1. The right of a farm to continue with accepted agricultural practices for purposes of commercial farming, ranching, or crop production shall be a permitted use.
2. To be protected with the “right to farm,” agricultural uses shall operate within the provisions of the law related to the use of pesticides and operations of equipment.
3. When the City approves urban development adjacent to agricultural uses, the urban project shall be required to ensure that its future buyers, tenants, or occupants recognize that the right of a farm to continue is a City policy.

C. Protective Standards.

When urban development is considered adjacent to existing agricultural uses, the City shall not impose regulations that will interfere with accepted farm operations, including:

1. Hours of operations. The City shall not limit the hours of operations or days of use;
2. Noise standards. Noise abatement or modification requirements shall be conditions of the urban land use and not pre-existing agricultural uses.
3. Storage of working equipment. No limitations shall be imposed on equipment that is used in the operation of an existing farm or ranch, except that equipment that is abandoned or stored shall be kept in a safe and orderly manner.

D. Mediation and Assistance in Determining Compliance.

In the event that a complaint that an agricultural operation protected by the provisions of this section is not utilizing accepted agricultural practices in its operations, the City shall utilize the resources available from the Utah State University College of Agriculture in determining the acceptable standards for the practices.

§17.37.050. Structure Relocation

- A. No building or structure shall be moved into, nor relocated within the City, unless such building or structure and proposed foundation are in compliance with current building codes, land development code, and all other pertinent City ordinances.
- B. Permits Required.
 - 1. No person, firm or corporation shall move into or relocate within the City any building or structure without first obtaining all appropriate permits. Permits shall be required prior to relocation.
 - 2. Failure to comply with the requirements of this chapter shall require that the relocated structure or building be relocated to a site intended for the storage of building materials, or it shall be moved outside of City jurisdiction. Failure to comply with any of the requirements of this chapter shall be subject to the enforcement provisions of this Title and the Municipal code.
- C. Standard Conditions of Relocation.
 - 1. No building or structure shall be moved into nor relocated within the City that is considered dangerous or unsafe, or which is infested, dilapidated, defective, or in such a condition of deterioration or disrepair that its relocation at the proposed site would be materially detrimental to the property in area surrounding the proposed site. The Building Official may place such conditions as deemed necessary to protect the public health, safety or welfare on any proposed relocation of a building or structure.
 - 2. All footings and foundations on the site to which the building or structure is to be relocated shall be inspected, approved, and installed prior to removal of the building or structure from its original site.
 - 3. All relocated structures shall be permanently affixed to a new foundation within 45 days of approval of the foundation. Prior to the release of the permit, the applicant may request, in writing, an extension of the 45-day time, subject to approval by the Director. All relocated structures shall comply with applicable regulations and conditions within six (6) months of the date of the permit issuance unless otherwise approved and extended in writing by the Director.
 - 4. All relocated buildings or structures, whether permanently affixed to a new foundation or not, and all buildings or structures to be relocated, shall be maintained in a safe, secure condition. Certification by a licensed structural engineer that the structure is sound enough to be moved and relocated will be required. The structural engineer must include drawings and specifications to support structural analysis for moving and relocation.
 - 5. At the proposed site, all landscaping, walkways, masonry work, or required dedications and improvements for streets and facilities and building shall be provided in conformity with the standards of the City. At the vacated site, restoration and improvements shall be required as deemed necessary by the City.
 - 6. A bond or other assurance shall be posted as a guarantee that the building and grounds will be improved, as stipulated, before the building is occupied. The bond or other assurance shall include costs for the vacated site to be restored to a safe and clean condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvements to the buildings and premises as required.
 - 7. The applicant shall pay all cost incurred by the City for materials, labor, equipment and machinery, and other incidental costs directly related to the move. The permit holder shall be responsible for the cost to repair all damages caused by the move to streets, bridges, sidewalks, trees and landscape, utilities, and other property.

D. Storage of Relocated Structures or Buildings.

Storage of a relocated structure at a location other than the vacated or permanent site, shall only occur at a site allowed and intended for storage of building materials. When a building or structure is relocated at a site allowed and intended for storage of building materials, the following requirements shall apply:

1. Application, fees and construction of any foundation work or any improvements is not required until the building is ready to be relocated from the yard. The foundation permit must be released and the foundation inspected, approved, and installed prior to removal of the building from the yard;
2. If relocated structures are to be stored for a period exceeding 30 days, they shall be compliant with setback requirements set forth in the Land Development Code;
3. All structures shall be securely blocked to maintain structural integrity and to resist wind forces; and
4. Any stored structure shall be located in a secure fenced yard.

F. Findings of Fact.

A building permit for the relocation of a building or structure shall be substantiated by the following findings:

1. The building or structure will have no appreciable detrimental effect on the living environment and property values in the area which the structure is to be moved; and
2. The building or structure is in conformity with the quality of buildings existing in the area of the proposed site.

G. Existing Relocated Structures.

Buildings or structures that have been removed from their original location and have not been relocated to a permanent site on a permanent foundation prior to the adoption of this Title, shall comply with the regulations of this Chapter within 45 days. Failure to comply with the requirements of this section may result in additional fees being levied or initiation of enforcement procedures provided in the Municipal Code.

§17.37.060. Small Auto Dealerships

- A. The purpose of these requirements is to permit small auto dealerships in the Commercial, Commercial Services and Industrial zones while minimizing adverse impacts to surrounding properties.
- B. The following development standards are required for small auto dealerships.
 1. A small auto dealership shall have no more than eight (8) new and/or used vehicles stored on-site at any given time, and no more than three (3) vehicles shall be displayed outside at any one time. All other vehicles shall be stored inside a building.
 2. Vehicles displayed outside shall be located in an improved parking stall and shall not eliminate any of the required parking stalls for the business.
 3. Vehicles displayed outside shall not have any attached signage other than writing on no more than three (3) of the vehicle's windows.
 4. All vehicles displayed outside shall be in working order and generally void of noticeable damage including but not limited to considerable body rust, broken windows, flat tires, missing bumpers, or major body damage.
 5. A small auto dealership may be permitted as an accessory use to a related business on the same property and under the same ownership; however, that related business shall also comply with all City requirements, including permitting and licensing.

§17.37.070. Accessory Dwelling Units

- A. The purpose of these requirements is to permit accessory dwelling units (ADU's) while minimizing adverse impacts to surrounding properties.
- B. An ADU is allowed in all zones and shall only be established in conjunction with a detached, owner occupied, single family residential dwelling. Either the primary residence, or the proposed ADU, shall be the property owner's primary place of residence.
- C. ADU's in conjunction with non-owner occupied residential dwellings are prohibited.
- D. Once an ADU is established, the conversion or change of the primary owner occupied residence to rental use is prohibited and will result in a loss of the ADU license along with an order to deconstruct the ADU.
- E. A property is only entitled to one ADU, regardless of the type of ADU.
- F. An ADU is permitted in a detached single family residential dwelling and is prohibited in all other housing types (townhome, duplex, apartments, mobile homes, etc.).
- G. Single family dwellings recognized as a legal two unit structure (grandfathered), may obtain an ADU license for one of the units provided all of the other requirements of this Chapter are met and the grandfathering status is abandoned by the property owner. The ADU licensing process shall not be used to create a third unit in a grandfathered residential structure.
- H. An ADU cannot be sold separately from the primary dwelling.
- I. An ADU shall comply with all applicable building, health, and fire codes and contain the minimum required spaces (kitchen, bathroom, living, & sleeping spaces) to characterize it as a dwelling under the building code. A Logan City Building Permit may be required for the establishment of an ADU.
- J. An ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family residence.
- K. In addition to meeting the minimum single family residential dwelling parking requirements of two parking stalls, at least one additional off-street parking stall consistent with the standards of Title 17 shall be provided for an ADU. The Land Use Authority may authorize minimum parking stalls to be located within an existing driveway if it is found that the site is compliant with meeting minimum parking requirements for the underlying residential use, sufficient space is available in the existing driveway to safely accommodate additional vehicles, and it can be shown that the creation of another parking stall elsewhere on the site is infeasible or detrimental to neighboring properties.
- L. A property owner shall obtain a Landlord License (Business License) from Logan City prior to establishing the ADU. The application for a business license shall clearly declare which residential unit is the primary dwelling and which is the ADU.
- M. A property owner is prohibited from installing a separate utility meter for an ADU.
- N. External (Detached) ADU's:
 - 1. An external ADU is new construction, or remodel of an existing structure, detached from the primary dwelling, and designed as an ADU as per this Chapter.
 - 2. Placement. An external ADU shall be located in the rear or side yard of the primary dwelling and at least 10 feet behind the front wall plain of the main home.
 - 3. Building Size. The size of an external ADU shall not exceed 50% of the building footprint of the primary dwelling, and in no case shall the external ADU be larger

17.37: Additional Development Standards

than 1,000 square feet in size. The garage space of a detached garage is not included in the maximum size calculations for an external ADU.

4. **Lot Coverage.** External ADU's cannot cover more than 50% of the rear and/or side yard area.
5. **Building Height.** The height of an external ADU shall not exceed the height of the primary dwelling, or up to 20 feet, whichever is more restrictive.
6. **Building Setbacks.** External ADU's shall meet the minimum building setbacks of the underlying zone.
- O. **Internal ADU's:**
 1. An internal ADU is new construction, addition, or remodel of an existing space within or connected to a primary dwelling, e.g., basement conversion, etc.
 2. **Placement.** There is no limitation on the placement of an internal ADU provide all setbacks and height limitations of the underlying zone are met.
 3. **Building Size.** There is no maximum size for an internal ADU.
 4. **Building Height.** The height of an internal ADU shall comply with the maximum height requirements of the underlying zone.
 5. **Building Setbacks.** An internal ADU shall comply with the minimum building setback requirements of the underlying zone.

§17.37.080. Keeping Chickens and Small Animals in Residential Areas

- A. **Purpose.** The purpose of these requirements is to enable keeping chickens, other similarly sized domestic fowl, or rabbits on residential lots while minimizing potential nuisances to neighboring property owners.
- B. **General Provisions:**
 1. **Residential Lots.** Chickens, domestic fowl or rabbits may be kept for non-commercial purposes on residential lots containing a detached single-family residential dwelling.
 2. **Numbers.** The number of chickens, domestic fowl, or rabbits permitted on a residential lot is determined by following the Animal Equivalent Units (AEU) provisions in Section 17.37.100.
 3. **Location.** Chickens, domestic fowl, rabbits and their coops/pens are permitted in a fenced side or rear yard and are prohibited in a front yard.
 4. **Enclosure.** Chickens, domestic fowl, or rabbits shall be maintained within a secure, fenced, outdoor area. The outdoor enclosure shall include a covered chicken coop or animal pen.
 5. **Setbacks.** Chicken coops and animal pens shall meet all minimum zoning setbacks as established for the underlying zone, shall meet the minimum accessory structure requirements of Section 17.09.030, and shall be setback at least twenty-five (25) feet from any dwelling on adjacent lots.
 6. **Sanitation.** The outdoor enclosure and coop must be kept in a sanitary condition and free from offensive odors.
 7. **Roosters.** Roosters, crowing hens, geese, peacocks, or other similar domestic fowl are prohibited in residential zones.
 8. **Slaughtering.** The slaughtering of animals in a residential area is prohibited.

§17.37.090. Livestock

- A. **Purpose.** The purpose of these requirements is to enable keeping smaller livestock on residential lots while minimizing potential nuisances to neighboring property owners.
- B. **General Provisions:**
 1. **Residential Lots.** Livestock shall only be kept on residential lots containing a detached single-family residential dwelling in the NR-2, NR-4, NR-6 or RC zones.

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Livestock is not permitted on properties containing multiple residential dwellings or commercial/industrial buildings or uses.

2. **Minimum Lot Size.** The minimum lot size for keeping any livestock is 10,000 square feet.
3. **Numbers.** The number of animals permitted on a residential lot is determined by following the Animal Equivalent Unit (AEU) provisions in Section 17.37.100.
4. **Location.** Livestock are only permitted in a fenced side or rear yard and are prohibited in a front yard.
5. **Shelter.** Adequate shelter or pen areas shall be provided.
6. **Setbacks.** An animal shelter and pen shall meet all minimum zoning setbacks as established for the underlying zone, shall meet the minimum accessory structure requirements of Section 17.09.030, and shall be setback at least 50 feet from any dwelling on adjacent lots.
7. **Sanitation.** The outdoor enclosure and pens must be kept in a sanitary condition and free from offensive odors.
8. **Water.** Fresh water must be available at all times.
9. **Prohibited Livestock.** Horses, cows, donkey, mules, pigs, or other similar livestock larger than 250 pounds are prohibited in residential zones.
10. **Slaughtering.** The slaughtering of animals in a residential area is prohibited.

§17.37.100. Total Number of Animals Permitted (Animal Equivalent Units/AEU)

- A. **Purpose.** The Animal Equivalent Unit methodology is used to determine the total number of domestic fowl and small livestock that may be permitted on a residential lot.
- B. **Number Allowed.** The total number of allowable animals kept, regardless of species type, shall be determined based on the animal equivalent unit (AEU) for each animal and the size of the lot.
- C. **Classification.** Each animal species shall be assigned one of the following classifications based on their approximate size & weight:
 1. Small livestock (30 – 250 lb.) – sheep, goats, miniature animals (horses, goats, sheep, pigs, etc.).
 2. Domestic fowl and small animals (less than 30 lb.) – fowl (chickens, ducks, turkeys) & rabbits.
- D. **Animal Equivalent Units (AEU).** Each classification of animal shall be represented by an AEU as follows:
 1. Small livestock: 0.25 AEU.
 2. Domestic fowl and small animals: 0.05 AEU.
- E. Animal Equivalent Units allowed per Acre: 2.0
- F. **Formula:** Lot Acreage x 2.0 (AEU/Acre) = total AEU's per lot (the AEU/lot is then divided by animal classification (0.05 or 0.25) to determine the total number of animals allowed on site). See Table 17.37.100.F.1 for examples of applying the AEU to a variety of different lot sizes.

Table 17.37.100.F.1: Examples of AEU Formula Applied to Varied Lot Sizes

Example #	Lot Size	AEU/ac	Allowable AEU's	Examples of Animal/Fowl Numbers
1	0.136	2.0	0.27	5 fowl
2	0.229	2.0	0.46	1 small livestock & 5 fowl or 9 fowl
3	0.275	2.0	0.55	2 small livestock & 1 fowl or 11 fowl
4	0.459	2.0	0.92	3 small livestock or 18 fowl
5	0.688	2.0	1.38	5 livestock or 28 fowl
6	1.0	2.0	2.0	8 small livestock or 40 fowl

§17.37.110. Beekeeping in Residential Areas

- A. **Purpose.** The purpose of these requirements is to enable beekeeping on residential lots consistent with the Utah Bee Inspection Act in Title 4 of the Utah Code while minimizing potential nuisances to neighboring property owners.
- B. **General Provisions:**
1. **Residential Zones.** Beekeeping may only be conducted on residential lots containing a detached single-family residential dwelling and is not permitted on properties containing multiple dwelling units.
 2. **Registration.** Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Utah Code.
 3. **Numbers.** An apiary consisting of individual hives shall be permitted as follows:
 - a. A maximum of two (2) hives are permitted for every 5,445 square feet of lot area.
 - b. There may be unique property or site features that are supportive of a site safely exceeding the maximum number of hives on one site. Such features include where a site is adjacent to large, undeveloped, open areas, hillsides, pastures, riparian areas, or similar areas, and where potential nuisances or hazards to neighbor property owners are minimal.
 4. **Location.** Beehives are permitted in a fenced side or rear yard and are prohibited in the front yard. The fence requirement may be waived if beehives are located at least 50' from any dwelling on adjacent lots.
 5. **Setbacks from Adjacent Dwellings.** Beehives shall be setback at least twenty-five (25) feet from any dwelling on adjacent lots.
 6. **Setbacks from Property Lines.** Beehives shall be setback at least ten (10) feet from any property line unless the property owner erects or maintains a sight-obscuring flyaway barrier.
 7. **Condition & Sanitation.** Beehives shall be kept in sound, sanitary, and usable condition with adequate space and management techniques to minimize overcrowding and swarming. All beehives shall be operated and maintained as provided in the Utah Bee Inspection Act.
 8. **Water.** There must be a convenient source of water continuously available to the bees during the months of March through October.
 9. **Flyaway Barrier.** A hive shall be located on the property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.
 - a. If any portion of a hive is located less than 10 feet from an area providing public access or from a property line, a flyway barrier at least five (5) feet in

height may be required to be established and maintained in front of the hive except as is necessary for access.

§17.37.120. Community Agriculture

- A. **Purpose.** These requirements for Community Agriculture (Community Gardens, Community Supported Gardens, Market Gardens) are intended to minimize potential nuisances to neighboring property owners.
- B. **General Provisions:**
1. Domestic fowl may be kept on properties designated under Community Agriculture subject to the minimum standards in Section 17.37.080.
 2. Livestock of any type, other than domestic fowl, is not permitted.
 3. All structures shall meet the minimum setbacks established for the underlying zone and shall meet the minimum accessory structure requirements of Section 17.09.030.
 4. Parking shall be provided on-site at a ratio of one (1) parking stall per employee.
 5. Any proposed fencing shall comply with the fencing standards in Chapter 17.30.
 6. Any proposed signage shall not exceed four (4) square feet in size and shall comply with the minimum signage requirements in Chapter 17.33.
 7. **Health and Sanitation Requirements.** All compost areas shall be located at least 25' from any residential structure.
 8. **Seasonal Produce Stand.** A seasonal produce stand is permitted as an accessory use to Community Agricultural uses. A seasonal produce stand shall not exceed 200 square feet, shall meet minimum setbacks for the underlying zone, shall include adequate area for an additional two (2) parking stalls, and shall obtain a separate business license from Logan City in accordance with LMC 5.06.

§17.37.130. Short Term Rentals (Vacation Rental)

- A. The purpose of this Section is to regulate short term rentals to ensure compatibility within residential neighborhoods and to ensure they won't unreasonably reduce housing opportunities. These regulations do not apply to hotels, motels, or bed and breakfasts.
- B. **General Requirements.**
1. A short term rental is temporary lodging or accommodations typically located in a residential dwelling for a fee and for a rental period of less than 30 continuous days and excludes hotels, motels, or bed & breakfast establishments.
 2. **Business License Required.** No person, firm or corporation shall operate or otherwise make available a short term rental without first obtaining a Logan City business license pursuant to Chapter 5.15 of the Logan Municipal Code.
 3. **Short Term Rental Density in Residential Zones.** A proposed short term rental in a residential zone shall be located at least 750 feet from another short term rental located in a residential zone as measured from property line to property line, excepting the following:
 - a. **Owner occupied short term rentals.** A short term rental that is continuously owner occupied is exempt from meeting the minimum distancing requirement listed above, provided all of the following are met:
 - i. The residence shall be the property owner's primary place of residence;
 - ii. If the short term rental is approved and permitted as an owner occupied short term rental, any change to the owner's primary place of residence will void the business license;
 - iii. The property owner shall submit an affidavit of ownership with the business license application;

17.37: Additional Development Standards

- iv. The owner shall maintain a current business license for the short term rental; and
 - v. A Business License issued for an owner occupied short term rental is non-transferable. Change of ownership requires new licensing.
- 4. Limit on Total Number of Short Term Rentals in all Residential Zones. Pursuant to Chapter 5.15 of the Logan Municipal Code, the total number of short term rentals in all residential zones citywide shall be proportionate to the total population of the City and is limited to two (2) short term rentals per 1,000 of total population.
- C. Standards.
 - 1. Occupancy. The maximum occupancy of a short term rental is two (2) occupants per bedroom plus two (2) additional occupants.
 - 2. Parking Requirements. Off street parking requirements for a short term rental are as follows:
 - a. All parking needs for a short term rental shall be located on the same lot as the unit licensed as a short term rental.
 - b. Off street parking shall be provided at one (1) space per two bedrooms.
 - c. All guest parking shall be contained on site. No on-street parking is permitted with a licensed short term rental.
 - d. The location of all parking areas on the property shall comply with the parking and setback requirements of the Land Development Code. The Land Use Authority may authorize minimum parking stalls to be located within an existing driveway if it found that the site is compliant with parking requirements for the underlying residential use, and there is sufficient space in the existing driveway to safely accommodate the additional vehicles.
 - e. Parking of recreational vehicles, trailers, boats, ATVs, or similar vehicles associated with the guest use of a short term rental shall be provided for on-site and shall not be parked in the public right of way.
 - 3. The use of a residential dwelling as a short term rental shall not change the residential appearance or character of the dwelling or property.
 - 4. There shall be no more than one (1) short term rental per residential structure. For example, if the residential structure is a duplex, only one (1) unit may be permitted and licensed as a short term rental.
 - 5. The short term rental is subject to the City's nuisance ordinances regarding noise, garbage, parking, occupancy, etc., and more than three (3) violations within a calendar year may result in the revocation of the short term rental's conditional use permit and business license.
 - 6. The number of household pets is limited to the number allowed for a single-family home.
 - 7. A short term rental may not be the subject of multiple rental contracts by separate individuals, groups or parties for the same night or nights.
 - 8. A short term rental shall not be rented to the same individual, group or party for more than two consecutive rental contracts in a six (6) month period.
 - 9. A short term rental shall comply with all applicable local and state Building, Health, Fire, Safety, Maintenance and Nuisance Codes.
 - 10. Signs are limited to a single sign, no larger than two (2) square feet, and shall only be mounted on the building. No signs shall be illuminated. No banners, window signs, posters, flags, exterior lighting or other attention getting devices shall be permitted. Signs shall not be painted in or on windows and shall not be mounted in a window.
 - 11. Short term rentals may be permitted in residential communities or neighborhoods built specifically as a vacation or secondary home community with homes designed

17.37: Additional Development Standards

for vacation, seasonal, transient or multiple family use provided the residential community and short term rental usage are reviewed and approved through the Planned Development Overlay process in Chapter 17.27. During the PD Overlay review and approval process, the City may waive or alter the stated limitations on total numbers, distance requirements, and maximum occupancies of short term rentals.

§17.37.140. Recreational Vehicle (RV) Parks

- A. The purpose of this section is to establish regulations for Recreational Vehicle (RV) Parks to ensure to ensure high quality development while minimizing impacts to adjacent properties.
- B. General Requirements.
 - 1. Minimum Area. The minimum size of an RV park shall be at least three (3) acres.
 - 2. Maximum Density. The maximum number of RV spaces shall not exceed 20 per acre. Only one (1) RV is permitted per space.
 - 3. Rental Space Improvements. All RV spaces shall be improved with a hardened surface (concrete or asphalt) measuring no less than 10' wide by 40' in length, shall contain, at a minimum, hookups for water, sewer & electricity, and shall contain at least one vehicle parking space per RV site.
 - 4. RV Park Setbacks and Perimeter Buffer Area. All improvements within the RV park shall be setback at least 25' from all property lines and external roadways. With the exception of the ingress or egress access roads into the park, the 25' setback area shall be maintained as permanent open space.
 - 5. Streets & Parking Areas. All internal streets, roadways and parking areas within the RV park shall be designed to provide safe and convenient access to all spaces and common use facilities, shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be hard surfaced with either asphalt or concrete. All interior roadways designated for one-way travel shall be at least 15 feet in width while roadways designated for two-way travel shall be at least 24 feet in width. All interior roadways shall be designated for no parking.
 - 6. Open Space. At least 20% of the site shall be designated as open space. Open space excludes any roadways, parking areas, RV spaces, etc.
 - 7. Landscape Requirements. The RV park shall be landscaped according to the commercial landscaping standards contained in Chapter 17.32.
 - 8. RV Park Management Space. The RV park may designate one RV space per 20 RV spaces for use by resident park employees who provide on-site maintenance, security, and operations functions, and whose length of occupancy is year-round. If this space is not used by a park employee, it may be rented in accordance with the length of stay limitations in this Section.
 - 9. Length of Stay. The length of occupancy for each RV space shall not exceed 30 consecutive days. However, as part of the Design Review permitting process, an RV park may have up to 20% of their total RV stalls designated and approved for longer term occupancy by the same person(s) for a period not exceeding 180 consecutive days.
 - 10. Recreational vehicles, trailers, boats, ATVs, or similar vehicles shall not be parked on the internal park roadways or in the public right of way adjacent to the RV park.
 - 11. All signage shall comply with Chapter 17.33.

Chapter 17.38: Wireless Telecommunications Facilities

§17.38.010. Purpose

The purpose of this chapter is to regulate wireless telecommunication facilities to assure their compatibility with adjoining uses. The location and design of wireless telecommunications facilities may negatively impact surrounding properties; therefore, the purpose of these regulations is to locate wireless telecommunications facilities where they are least visible from public areas, and to the greatest extent possible, screen them from adjoining properties.

§17.38.020. Applicability

This chapter applies to commercial and private wireless telecommunication facilities as defined in §17.62 and does not apply to public safety, emergency services, amateur radio, home satellite or television equipment, as they may be regulated by other city ordinances and policies.

§17.38.030. Permits Required

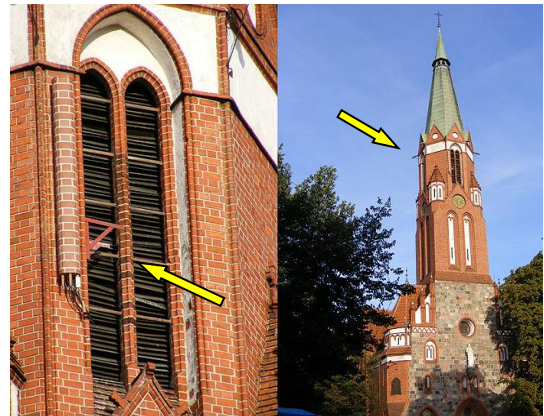
- A. A conditional use permit and a design review permit are required for all new wireless telecommunications facilities and shall be reviewed and issued in accordance with the approval processes outlined in this Title.
- B. For co-locating, equipment updating and remodeling of existing permitted facilities, a design review permit may not be required if the Director finds that the proposed changes will not result in a significant character change in the appearance of a structure from what currently exists.

§17.38.040. Applications

In addition to the standard application requirements for the conditional use and design review permits, the applicant shall submit the following:

- A. Certification of compliance with FCC Parts 24 and 27 regarding RF (radio frequency) hazards and safety, and other FCC provisions as applicable; and
- B. A visual analysis of the proposed telecommunications facilities, to include photo simulations, field mock up, computer enhanced graphics or other techniques, which depict the visual effects of the proposed facility on surrounding properties and all public areas (streets, parks, etc.) within 300',

The Planning Commission, or the Director, may require additional visual simulations if it is determined they are necessary to better understand the proposed facility's effects on the surrounding neighborhood. All costs associated with this requirement are the responsibility of the applicant.



Example of a Stealth Design by placing equipment on Existing Buildings

§17.38.050. Placement and Design Requirements

Co-locating onto existing structures or stealth design applications that disguise wireless facilities shall be the preferred option for new proposals. A detailed written report must be submitted for review if co-locating or stealth design is not chosen and considered unachievable by the applicant. The Planning Commission shall consider the following factors when deciding to grant permit approvals for a wireless telecommunication facility:

- A. Compatibility: compatibility of the facility with the height, mass and design of buildings, structures, and uses in the vicinity of the facility;
- B. Screening: whether the facility uses existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility;
- C. Disguise: whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties;
- D. Parcel Size: whether the facility is located on a parcel of sufficient size to adequately support the facility and meet minimum setbacks;
- E. Location on Parcel: whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners and still accommodate other appropriate uses on the parcel;
- F. Location in General: whether location or co-location of the facility on other structures in the same vicinity is practical without significantly affecting the functionality of the facility;
- G. Future Co-location: the willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry; and
- H. Stealth Design: how well the applicant has incorporated stealth design, as defined in Chapter 17.62, into the overall design and location of the proposed facility.

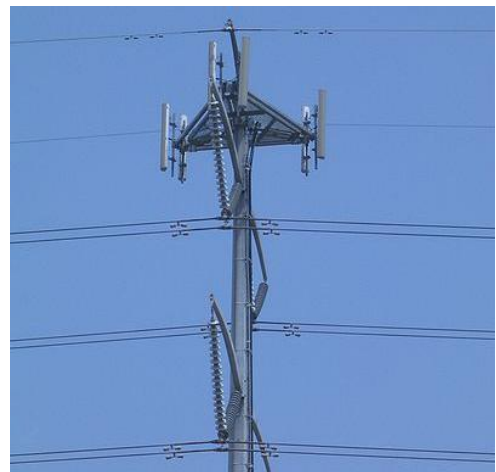


Example of a Stealth Design by placing equipment on existing Agricultural Structures

§17.38.060. Existing Towers and Poles

Co-locating on existing towers is encouraged in order to discourage the proliferation of wireless telecommunications facilities.

- A. Standards.
 1. Antennas and their supporting structure mounted to the sides or top of an existing tower or pole shall be as slim in profile as possible. In no case shall the front facing surface of the antennas and supporting structures extend more than three feet beyond the side of the tower or pole.
 2. When co-locating antennas onto existing towers or poles, the height of the proposed antenna and its supporting structures may not extend more than five (5) feet above the height of the tower or pole.



Stealth Design on Existing Utility Poles

17.38: Wireless Telecommunications Facilities

3. When co-locating onto existing towers or poles, the height of an existing tower or pole may be increased by up to 25% over the maximum height enumerated in Section 17.38.090 in order to encourage and accommodate co-located telecommunication facilities.

§17.38.070. Roof-Mounted Antennas and Facilities

- A. Roof-mounted antennas, placed on a flat roof, may extend up to ten (10) feet above the roof line of the existing structure or up to ten (10) feet above existing equipment structures or penthouses, provided that the antenna is set back from the edge(s) of the roof a minimum distance equal to the height of the antenna as measured from the roof line to the top of the antenna. The Planning Commission may reduce the required setback if practical difficulties are demonstrated by the proponent and upon a finding that a reduced setback would preserve the character of the neighborhood.
- B. Roof-mounted facilities on a pitched roof may extend a maximum of five (5) feet above the roofline of the existing structure.



Stealth Design with Monopole (antennas inside pole)

§17.38.080. Wall Mounted Antennas and Facilities

- A. Wall mounted facilities shall not extend above the roofline of the building.
- B. Wall mounted facilities shall not extend more than three feet horizontally from the face of the building.
- C. The total area for all wall mounted facilities on any one façade of a building shall not exceed ten percent (10%) of that façade's area.

§17.38.090. New Monopoles and Towers

- A. Design.
 1. The maximum height of a monopole or tower shall be 80' in the Industrial and Commercial Service zones, 70' in the Commercial zone and 40' in all other zoning districts.
 2. Height shall be measured from the average finished grade of the site within a fifty-foot (50') radius to the top of the monopole, tower, or antennas. Accessory types of



Example of Stealth Design with a Tower constructed to simulate an Evergreen Tree

17.38: Wireless Telecommunications Facilities

features, such as lightning rods or stealth design elements, e.g., tree limbs, water tank, etc., may not extend more than 10' above the maximum pole or tower height.

3. Antennas and their supporting structure mounted to the sides or top of the tower or pole shall be as slim in profile as possible. The face of the antennas shall not extend more than three feet beyond the side of the tower or pole. For stealth design applications, such as fake trees, antennas shall not extend beyond stealth materials.

B. Siting.

1. Monopoles and towers in Town Center, Commercial, Mixed Use, and all residential zones shall be set back from all public and private streets (right-of-way line) at least two (2) feet for every one (1) foot of pole and antenna height. The Planning Commission may reduce the required setback if practical difficulties are demonstrated by the proponent or upon a finding that a reduced setback would adequately preserve the character of the neighborhood.
2. Monopoles and towers shall be set back a minimum of two (2) feet for every one (1) foot of pole height from all property lines adjacent to or within a residential zone, and shall be located at least 200' from the nearest residential structure.
3. Within Public and Recreation zones monopoles and towers shall be setback at least two (2) feet for every one (1) foot of pole height from playgrounds, pavilions, and other similar designated gathering areas.
4. Within Industrial, Airport, and Commercial Service zoning districts, setbacks for poles or towers default to base zoning building setbacks.
5. Any associated mechanical or electrical ground equipment shall be enclosed with a minimum six-foot solid fence in the Industrial, Airport and Commercial Service zones. For all other zones, a minimum six-foot tall solid wall with additional perimeter landscaping is required around ground equipment.

§17.38.100. Historic District

Prior to considering the conditional use and design review permit applications for any proposed telecommunication facility within the Historic District, the application shall be reviewed by the Historic Preservation Committee for a Certificate of Appropriateness.

§17.38.110. Legally Existing Nonconformities

Legally existing nonconforming wireless telecommunications facilities, equipment, and antennas are governed by Chapter 17.52.

§17.38.120. Abandonment

- A. The applicant, or the applicant's successor(s) and/or assign(s), shall be responsible for the removal of unused wireless telecommunications facilities within ninety (90) days of abandonment of use. If such facility is not removed by the property owner, then the City may employ all legal measures to remove the facility (See Section 17.60.280-380).
- B. In the event of co-location on a monopole, if a secondary facility is abandoned, the owner of the primary facility shall have thirty (30) days from the date the owner of the secondary facility files with the FCC the required "Notice to Abandon" to reduce the height of the monopole to its previous or originally approved height. The City shall receive a copy of the "Notice to Abandon" filed with the FCC.

§17.38.130. Prohibited Facilities

No telecommunication antennas or facilities other than those specifically allowed in this chapter shall be permitted within the City except as otherwise required by applicable state or federal law.

Article VI: Administration

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Chapter 17.39: Permit Authority

§17.39.010 Purpose

Permit review procedures are intended to provide an opportunity for a property owner to learn and understand the development standards and regulations of the City prior to initiating development of a site. The various permits are intended to provide the City with an opportunity to work with a property owner in ensuring safe development that meets City standards.

§17.39.020 Application Review Standards

Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.39.020 identifies the decision-makers and appeals boards for all project and application types.

Table 17.39.020: Application Decision-Makers and Appeals Boards

Project Type	Chapter	Applications Heard By:
Certificate of Appropriateness	§17.20	Historic Preservation Commission
Subdivisions	§17.40	Minor Subdivision – Director Subdivision - Planning Commission
Boundary Line Adjustment	§17.41	City Engineer
Conditional Use Permit	§17.42	Planning Commission
Design Review, all other projects	§17.43	Track 1 – Director Track 2 - Planning Commission
Amendments to the Land Development Code	§17.44	Planning Commission ¹ Municipal Council
Amendments to the Official Zoning Map	§17.44	Planning Commission ¹ Municipal Council
Amendments to the General Plan	§17.45	Planning Commission ¹ Municipal Council
Variances	§17.46	Land Use Appeal Board
Appeals of Staff Decisions	§17.50	Land Use Appeal Board
Appeals of Staff's General Plan Interpretations	§17.50	Municipal Council
Appeals of Boundary line Adjustments	§17.50	Land Use Appeal Board
Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions	§17.50	Land Use Appeal Board
Appeals of Amendments to the Land Development Code, Official Zoning Map, General Plan, Variances, or actions of the Land Use Appeal Board	§17.50	District Court

§17.39.030 Permit Required Before Proceeding

The construction, alteration, repair, removal, use or occupancy of any site improvements, site development, structure, or any part thereof shall not proceed until the issuance of an appropriate permit(s).

A. Complete Applications.

A complete permit application shall be submitted prior to review by the appropriate department. Permits may be issued following a review to ensure that the proposed project is compliant with the Logan Municipal Code.

B. Permits Issued Only for Complying Projects.

Permits shall be issued only upon the approval of a site plan meeting the requirements of the Department of Community Development and the International Building Code. The Chief Building Official, the Public Works Director, City Engineer, and the

Director, shall prepare a list of the requirements for site plan submittal. To obtain a permit, the project must comply with all applicable standards, specifications, and code requirements.

C. Site Plan Review Required.

1. All site plans shall be reviewed and signed by representatives of the City's development-related departments.
 - a. Generally, the development departments in the City include, and are not limited to, Building, Planning and Zoning, Public Works, Engineering, Streets, Light and Power, Water, Sewer, Environmental Health, and the Fire Department.
 - b. Other departments may be required to review site plans if the proposed project involves their areas of responsibility.
2. Any department may require additional studies or plans as necessary to review or address site specific conditions.
3. Site plans for multiple family dwellings of three (3) or more units, commercial, industrial, and all non-residential development shall be prepared by a professional architect, landscape architect, or engineer licensed in the State of Utah. Site plans shall be based upon a recorded survey prepared by a land surveyor, licensed in the State of Utah, that shows accurate dimensions, location of all monuments, existing buildings, utility structures and lines, and all easements and rights-of-way.

D. Compliance with Discretionary Conditions Required Prior To Building Permit.

When a project has been before the Planning Commission, Historic Preservation Commission, Land Use Appeal Board, or the Municipal Council, no permits shall be issued until the Director has confirmed that the project is compliant with all appropriate conditions.

- E. Should any permit or license be issued in conflict with the provisions of this chapter, such permit or license shall be voidable.
- F. Should any permit, license, or approval be granted based on inaccurate, incomplete, or fraudulent information, the permit shall be voidable.

§17.39.040 Creation of Building Site

A. Lots Shall Be Legally Existing.

Permits for the construction, alteration, use or occupancy of any building, structure or part thereof upon any tract or plot shall be issued only after a building site or lot has been created in compliance with the provisions of the Logan Municipal Code.

1. The record lot was created in full compliance with the provisions of subdivision and zoning regulations within the Logan Municipal Code and Utah law.
2. The lot is all or part of a preliminary or final plat map or site plan officially approved by the City. The site has been or is being developed in conformance with City requirements for all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting including the designation of building areas, dedication of easements, alleys, streets, and other property required to be dedicated.

B. Certificate of Occupancy, Approval to Use or Occupancy.

No land shall be used or occupied nor shall a building be used or changed in use, until a Certificate of Occupancy has been issued by the Chief Building Official. Certificates of Occupancy may be issued only after the Director has issued a clearance indicating that the permit holder has complied with all appropriate conditions imposed on the project.

§17.39.050 Public Dedications

The owner may be required to dedicate streets, utility easements or rights-of-way, parklands, trail easements, water rights, or other lands for public purposes as may be

defined in the Logan Municipal Code or the City's General Plan and other master plan documents.

§17.39.060 Americans with Disabilities Act (ADA) and Federal Fair Housing Act Accommodations (FFHA)

None of the requirements of this Title shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

- A. Complete Application. Any person or entity wanting a reasonable accommodation shall make application to the Community Development Director and shall articulate in writing the nature of the requested accommodation and basis for the request.
- B. Decision. The Director shall render a decision on each application for a reasonable accommodation. The decision shall be based on evidence of record. The Director may approve a reasonable accommodation request, in whole or in part, if the following findings can be made:
 - 1. That the requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit the accommodation would provide to a person with a disability; and
 - 2. That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and
 - 3. That the accommodation is the minimum amount necessary to provide one or more persons with a disability an equal opportunity to enjoy housing of their choice.
- C. Appeal. The decision of the Director may be appealed to the Land Use Appeal Board following the provisions of Chapter 17.50.

Chapter 17.40: Subdivisions

§17.40.010 Purpose

Regulating subdivisions ensures the orderly development of the City in order to protect the public health, safety, and general welfare by ensuring new lots are adequate in size, shape, design, and topography to accommodate new development; roads are adequately designed to provide community linkages and conform to the block grid system; and the character of Logan's neighborhoods are protected in the development process.

§17.40.020 General

A. Transfer of Land or Sales of Portions of Subdivision Parcels.

No person shall sell, deed, or exchange, or offer to sell, deed, or exchange, any parcel of land that is a part of a subdivision or of a larger tract of land, or record in the office of the County Recorder any subdivision plat, unless the subdivision has been approved by the City according to the provisions of the Logan Municipal Code.

1. Parcels created without such approval by the City shall be considered part of an illegal subdivision and not eligible for further subdivision, or building permits, or other development permits until the illegal subdivision is corrected.

B. Building and Occupancy Permits.

It shall be unlawful for any person to receive a building or occupancy permit until all infrastructure improvements, as defined by Utah Code Section 10-9a-103, and public landscaping improvements are installed and accepted by the City in writing. In the case of uninstalled infrastructure and public landscaping improvements that are not essential to meet the requirements of the City's adopted building and fire code, a person is eligible for building or occupancy permits in accordance with the City's building and occupancy permit policies and Utah Code 10-9a-802 if performance and warranty bonds are posted (accompanied by a bond agreement).

C. Expiration of Preliminary Plat Approval.

A final plat shall be recorded within 24 months of preliminary plat approval or the preliminary plat approval become null and void unless a time extension is granted pursuant to Chapter 17.51.

1. For approved phasing plans, the first phase shall be recorded within 24 months of the original approval date or the entire preliminary plat becomes null and void.
2. Subsequent phases shall be recorded within 12 months of the recording date of the prior phase. If more than 12 months separates the recording of any one unit or phase from another, reapplication for a new subdivision is required.

D. Administrative Land Use Authority.

1. The Planning Commission is designated as the administrative land use authority for all preliminary plat applications involving seven (7) or more lots.
2. The Director is designated as the administrative land use authority for all preliminary plat applications involving six (6) or fewer lots (Minor Subdivision).
3. The City Engineer is designated as the administrative land use authority for all final plat applications, including minor subdivisions.

§17.40.030 Preliminary Subdivision Plat Procedures

A. Application for Preliminary Subdivision Plat Approval.

An application for a preliminary plat shall be submitted to Community Development, and to be considered a complete application shall include the following:

1. Preliminary plat application form, accurate & complete application checklist, and applicant certification;

2. Preliminary plat review fees as set forth in the current fee schedule as adopted by the City Council;
 3. Preliminary title report;
 4. Preliminary Soils report, based upon adequate test borings and excavations, prepared and sealed by a civil engineer specializing in soil mechanics and registered by the State of Utah which at a minimum provides the following information:
 - a. Identification of any geotechnical related Critical Lands within the project area;
 - b. Identification of site conditions that would require special analysis in the final soils report submitted with the construction plans;
 - c. For properties that are designated as a Critical Lands due to high groundwater, the preliminary soils report shall identify the Historic high groundwater elevations on the property as determined by piezometric measuring performed on a frequency equal to the greater of, 1 per acre of land or 1 per proposed stormwater basin, whichever is greater. A piezometric measurement shall include at least one measurement per month during the months of April through August.
 5. Preliminary Floodplain & Drainage Report for any development within a FEMA effective special flood hazard area, developments that are phased, or developments that exceed one (1) acre in size. The report shall be prepared by a civil engineer registered by the State of Utah and shall provide the following information:
 - a. Location of floodplain and floodway;
 - b. Identification of the location and quantity of stormwater that flows onto the property from adjacent properties during the 100 year – 24 hour event; and,
 - c. Preliminary basin locations, preliminary depths, preliminary basin bottom, top, and freeboard elevations, and historic high groundwater elevations as determined by the soils report.
 6. Wetland delineation when required by the City Engineer, the Director, or the Army Corp of Engineers;
 7. Preliminary traffic impact study shall be provided for all commercial subdivisions, subdivisions that will be phased, subdivisions containing 50 or more lots, or subdivisions containing 50 or more residential units. The preliminary traffic report shall comply with the standards outlined in the City's adopted Transportation Master Plan and including the following:
 - a. An analysis of the average daily trips generated by the proposed project;
 - b. An analysis of the distribution of trips on City street systems;
 - c. A description of the type of traffic generated; and
 - d. Preliminary recommendations on what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents that meets the standards of the Transportation Master Plan.
 8. A preliminary plat, stamped and prepared by, or under the supervision of, a licensed surveyor or engineer appropriately licensed to prepare plat maps in the State of Utah and conforming to the City's standard plat layout.
- B. Preliminary Plat Requirements.
- A preliminary plat shall include the following:
1. The proposed name of the subdivision;
 2. A title block that includes the following information:
 - a. Name and address of the subdivider;
 - b. Name and address of the owner of record if different from the subdivider;
 - c. Name, address, license number, and license type of the licensed professional preparing the plat;

- d. The tax identification number(s) of the subject property proposed for subdivision;
 - e. The official record number(s) of the current deed(s) for the property; and
 - f. The official stamp, signature, license number, and date of the person preparing the map.
3. A certificate with the signature of at least one owner of record consenting to the filing of the preliminary plat that states substantially the following:
"I/we, the undersigned, do hereby affirm that I/we are record owners of the subject property proposed on this map for subdivision, and I/we consent to the filing of this preliminary plat map." The signature(s) shall be notarized and the date signed shall be identified on the preliminary plat.
 4. The following existing improvements shall be shown on the preliminary plat in a lighter (faded) and/or dashed line type:
 - a. Two (2) foot contours across the site;
 - b. The location of existing property lines shown in a line type that is clearly distinguishable from other line types;
 - c. The location, width, and documentation of the dedicating instrument for any existing public or private right of way or easement (PUE, irrigation, power, or any other easement);
 - d. Location and extent of critical lands which are not buildable or require special approval as required by this code;
 - e. The location and/or dimension of all existing improvements within the proposed subdivision boundary and within 200 feet on adjacent public and private rights of way, including: roadway infrastructure (pavement, curb & gutter, sidewalk, utilities), railroad improvements, trails, buildings, water courses, fences, irrigation ditches, culverts, all underground utilities and structures, driveways (adjacent and across the street) and other important features within or adjacent to the subdivision area;
 - f. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;
 - g. The location and diameter of existing sanitary sewer, water, irrigation, and storm drain lines in the area.
 5. The following proposed improvements shall be shown on the preliminary plat in a dark solid line type easily distinguishable from other features.
 - a. Proposed subdivision boundary line in a thick dark line type that is distinguishable from other proposed or existing property line types.
 - b. The location, dimensions, and labeling of all proposed street improvements, rights-of-ways, alleys, easements, irrigation features, drainage, parks, open space, recreational amenities, trails, and other common spaces;
 - c. Proposed cross sections for streets, roads, and utilities which at a minimum shall meet the dimensions and requirements for these facilities as identified in the City's master plans;
 - d. Location of any necessary temporary turnaround easements for emergency access on dead end roads;
 - e. The layout and dimensions of proposed lots with lot areas shown in square feet;
 - f. Date, north arrow, and an accurate bar scale;
 - g. A proposed phasing plan identifying the unit or phase boundaries on the preliminary plat and including a timeline for recording each subsequent final plat; and
 - h. Proposed Land Set Asides, open space, or other land held in common.

- C. Determination of Complete Preliminary Plat Application.
 - 1. Within 5 business days of receiving a preliminary plat application, the City will determine whether the application, as submitted, is complete. If the application is determined to be incomplete, the application will be rejected. If the application is determined to be complete, the proposed preliminary plat will be scheduled for a hearing with the Planning Commission and according to the noticing and hearing procedures in Chapter 17.48.
 - 2. Within 15 business days of certifying that an application for a preliminary plat is complete, the City will conduct its initial review of the proposed preliminary plat in the City's pre-development review process.

§17.40.040 Preliminary Plat Approval Process

As the Land Use Authority on preliminary plat applications, the Planning Commission will conduct a public hearing on preliminary plat applications according to the provisions of this Title.

- A. The Commission will approve a preliminary subdivision plat when it substantiates the following findings:
 - 1. The subdivision is consistent with the goals and policies of the Logan General Plan;
 - 2. Each lot conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth;
 - 3. Each lot is physically suitable for development, has an adequate buildings site, and will not require variances due to physical constraints in order to be developed;
 - 4. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities;
 - 5. The subdivision has been revised and amended by the conditions of project approval in response to issues raised by City Departments and public agencies, and to address legitimate public concerns;
 - 6. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission;
 - 7. The design and layout of lots and streets conforms to the city grid to greatest extent possible;
 - 8. The design and layout of lots and their associated building area is configured to protect critical lands and other natural features;
 - 9. The subdivision conforms to the requirements of Utah law;
 - 10. If the subdivision is proposed to be completed in phases or units, the Commission shall find that the subdivision can be completed in phases. The City Engineer may make a recommendation on the location of phasing lines to ensure construction of infrastructure and utilities meets the requirements of the Department;
 - 11. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City; and
 - 12. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.
- B. Failure to Substantiate Findings.

The Commission may deny a proposed subdivision when it is not able to find facts in the record to substantiate the required findings in this section.
- C. Modification of Preliminary Plats.

The Commission may modify a preliminary plat, including the elimination and resizing of lots, if it finds that the modifications or conditions imposed result in better design, layout, site development, or to satisfy development policies.

D. Notification of Approval.

The Director shall notify the subdivider, in writing, of the action taken by the Planning Commission in the form of a permit. This permit contains the Commission's record of decision including conditions of approval, findings of fact supporting the approval, and decision/expiration dates. The permit is required to be signed and returned to the Director for notarization and recordation with the County Recorder.

§17.40.050 Minor Subdivisions

The Director shall be the Administrative Land Use Authority for Minor Subdivisions and shall review applications according to Section 17.47.

A. Minor Subdivisions are subdivisions consisting of six (6) or fewer lots.

B. Application Requirements.

An application for a Minor Subdivision shall follow the application requirements listed in Section 17.40.030 for preliminary subdivision plats.

C. Mailed Notice.

Within ten (10) calendar days of receipt of a complete application, the Director shall send a written notice to owners of real property as shown on the latest official County Assessor's rolls within three hundred (300) feet of the perimeter boundaries of the subject property. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:

1. The case number and the project's title;
2. The project's address;
3. The name of the proponent;
4. The type of project including an identification of all types of actions required;
5. The project description;
6. The anticipated decision date;
7. A statement explaining when and where interested persons can obtain information;
8. The name and phone number of the staff member assigned to review the application; and
9. An explanation on how to file an appeal of the decision.

D. The Director may approve a Minor Subdivision Plat that:

1. Consists of a preliminary plat with six (6) or fewer lots in one phase. Proposed preliminary plats that involve phasing will not be considered a Minor Subdivision and are subject to review and approval by the Planning Commission;
2. Conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth;
3. Is physically suitable for development, has an adequate buildings site, and will not require variances due to physical constraints in order to be developed;
4. Has access to a street or easements to provide for connection to sewer service, water service, and other public utilities;
5. Meets the approval of the City Engineer and other City Departments for technical specifications, standards, and conforms to the conditions imposed on the subdivision;
6. Includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City; and
7. Conforms to the requirements of Utah law.

E. Refer Minor Subdivision to Planning Commission.

The Director may refer minor subdivision applications to the Planning Commission (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17.

F. Final Minor Subdivision Plat Approval.

Following preliminary minor subdivision plat approval, the applicant shall follow the final plat approval provisions contained in Section 17.40.060.

G. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.50.

H. The Administrative Record of Decision shall serve as the administrative record of proceedings.

§17.40.060 Final Plat Subdivision Approval Procedures

The City Engineer shall be the Administrative Land Use Authority for Final Plats and shall review applications according to this Section.

A. Final Plat Application. Application for Final Plat Approval shall be made within 24 months after the Planning Commission approval of the preliminary plat or Director's approval of a Minor Subdivision application. The application for final plat approval shall be made with the City Engineer and shall include the following:

1. Final Plat Application, including an accurate & complete application checklist;
2. Copy of the signed, notarized preliminary plat permit;
3. Final plat review fees as set forth in the current fee schedule as adopted by the Logan City Council;
4. Final Plat prepared in compliance with this Title, Utah Law, and with the approved preliminary plat, including any conditions of approval, changes or additions as required by the Land Use Authority;
5. Construction Drawings of all required and proposed improvements consistent with Logan City's Engineering Design Standards prepared and stamped by a professional civil engineer in accordance with the procedures of the Utah State Board for Professional Registration;
 - a. Construction drawing shall include all proposed improvements associated with the development. Final plats with associated construction plans that show or require improvements outside of the subdivision boundary shall be submitted with a signed and notarized letter from the affected property owner acknowledging:
 - i. The name and date of the plans that were provided to review in conjunction with the letter;
 - ii. Language recognizing that improvements are being proposed on their property; and
 - iii. The conditional or unconditional approval to construct the improvements along with any specific conditions as may be required.
6. Final drainage report, soils report, traffic study, etc., if a preliminary report was required with the preliminary plat;
7. Prepared easement dedication documents, legal descriptions, and exhibits for any necessary offsite utility or road improvements, including temporary turnarounds;
8. Any deeds or boundary line agreements necessary for recording the final plat;
9. Any required UDOT approvals for access;
10. An Engineer's estimate of costs for construction of all required public improvements and life safety related private improvements (including improvements related to water, sewer, storm water, etc.);

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11. Evidence that all property taxes are current, that rollback taxes have been paid, that no other debts or obligations are outstanding, and no liens or encumbrances are placed on the property;
 12. Title report covering all the property located within the subdivision, prepared or updated within 30 days of the date of recording of the final plat;
 13. Final copy of any restrictive covenants, reservations, or private easements required for the subdivision and shall state that the homeowner's association is responsible for the maintenance of all private utilities, stormwater basins, open spaces, and amenities within the project, and that the homeowner's association or adjacent homeowner shall be responsible for the maintenance of adjacent park strips and for the removal of snow from adjacent sidewalks; and
 14. Draft copies of the Development Agreement, private water agreement, stormwater agreement, and financial assurance document.
- B. Final Plat Requirements.
- At a minimum, and in addition to any requirements established by the City, the plat shall include the following:
1. The surveyed subdivision boundary line shall include all elements defined by Utah Code §17-23-17, and the following:
 - a. A measured distance and basis of bearing between two existing government accepted monuments. Accurate ties from the basis of bearing to the point of beginning of the surveyed subdivision boundary. Monuments used for the basis of bearing shall be monuments that are approved by the Logan City Surveyor. Identification shall be provided on the Plat as to the type, condition, markings, and nomenclature of monuments used for the basis of bearing.
 - b. A written survey narrative that identifies and explains the following:
 - i. Identify the book and page, entry number, or other such reference to the conveying legal document(s) which contain the legal description(s) of the parcel(s) being surveyed.
 - ii. The date of measurement, method of measurement, distance measured, and basis of bearing used between two government accepted monuments.
 - iii. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify each established or reestablished boundary line.
 - iv. The written, parol, and demonstrative evidence held, found evidence not held, methods of calculation, and the applications of boundary law used to identify the location and width of all existing utilities, easements, right of ways, canals, etc., which adjoin, intersect, or transverse the subdivision.
 2. All lots, blocks, and parcels created or offered for any purpose other than streets or easements, shall be delineated and designated with all dimensions, boundaries, courses, square footage, acreage, and ties to the surveyed subdivision boundary clearly shown and defined in every case. Parcels designated as lots for sale shall be identified by numbers starting with the numeral "1" and continuing consecutively throughout the subdivision and shall be assigned a temporary address. Parcels or tracts offered for dedication, other than for streets or easements, shall be identified by letter starting with "A" and continuing alphabetically throughout the subdivision;
 3. All lots shall be assigned and labeled with a temporary address;
 4. The identification of those specific portions of the subdivision plat that are to be used for streets, right of way, or reserved for other public purposes;

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5. The plat shall show the name and/or number of all existing or created streets and the street centerlines, right-of-way lines, widths, and half widths. Every centerline and right-of-way line shall be dimensioned and tied to the surveyed subdivision boundary with sufficient detail to definitively retrace and locate the same;
 6. The boundaries, course, dimensions, width, and ties to the surveyed subdivision boundary of all existing or created utilities, easements, right-of-ways, canals, etc. which adjoin, intersect, or transverse the subdivision with sufficient detail to definitively retrace and locate the same;
 7. Existing right-of-way and easement grants of record for underground facilities, as defined in Utah Code §54-8a-2, and for other utility facilities;
 8. The location of all subdivision boundary corner markers, lot corner markers, and monuments as defined in the Logan Municipal Code Chapter 15.28, or as directed by the City Engineer;
 9. Building setbacks shall not be recorded on the final plat. Setbacks shall be as specified in the Land Development Code at the time of the issuance of the building permit;
 10. The location and extent of trails, open space and/or common areas;
 11. The location and extent of critical lands;
 12. If open space and/or common areas are involved in the subdivision, the final plat shall be accompanied by all common documents including covenants, conditions, restrictions, and articles of incorporation demonstrating perpetual ownership and maintenance of said open space and/or common areas;
 13. The final plat shall be accompanied by copies of any private covenants, conditions, and restrictions (CC&Rs) proposed or required to be recorded for the purpose of providing regulations governing the use of the land;
 14. The final plat shall be accompanied by construction plans as approved by the City Engineer; and
 15. The construction drawings and specifications shall be prepared by, or under the supervision of, a professional civil engineer licensed to perform such work in the State of Utah.
- C. Final Plat Certificates.
- The final plat shall be prepared using the City of Logan's Title and Signature block format, and shall include the following information as required by the City of Logan and Utah law:
1. A notarized signature of the landowner on the face of the original plat;
 2. A certification by the surveyor preparing the plat of the following:
 - a. Holds a license in accordance with Utah Code Title 58, Chapter 22, Professional Engineers and Professional Surveyors Licensing Act;
 - b. Has completed a survey of the property described on the plat in accordance with Utah Code Section 17-23-17 and has verified all measurements; and
 - c. Has placed monuments as represented on the plat in accordance with Logan Municipal Code Chapter 15.28.
 3. If the final plat identifies new locations for underground or utility facilities that are shown or described on the plat in conformance with the requirements of Utah State law, the owner or operator of the underground and utility facilities shall approve the plat of its property interest. This is required only if the final plat specifies:
 - a. The boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
 - b. The location of existing underground and utility facilities; and

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- c. Any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
- 4. The following dedications, certificates and acknowledgments shall be shown on the plat and shall empower the person responsible for signing the certificate to require the subdivider to submit any records, calculations, title reports, deeds, property tax records, or other documentation necessary to verify conformance with subdivision requirements:
 - a. Licensed land surveyor's certificate of survey;
 - b. Owner's dedication certificate signed by each owner;
 - c. Owner / operator of existing non-City underground or utility facilities affected by the plat
 - d. Notary public's acknowledgment for each owner's signature and the signature of any affected non-City facility owner;
 - e. City Attorney's certificate of approval;
 - f. City Engineer's certificate of approval;
 - g. Director's certificate of approval that states the following:
 - i. For plats approved by the Planning Commission: "This subdivision entered into City Records as Planning Commission Docket # _____ was heard before the Commission in a public hearing on the <meeting date> and was approved in substantial conformance with the requirements and design shown upon this plat."; or
 - ii. For plats approved by the Director: "This subdivision entered into City Records as Administrative Decision Permit # _____ was approved by the Director on <decision date> in substantial conformance with the requirements and design shown upon this plat";
 - h. The Mayor's certificate of approval;
 - i. Logan City Departments of Water, Wastewater (collection & treatment), Solid Waste, and Light & Power certificates of approval; and
 - j. Certificate of the County Recorder.
- D. Phasing the Recordation or Completion of a Subdivision.
 - 1. If a proposed phasing plan has been approved by the Planning Commission as part of the preliminary plat, the first phase of the final plat shall be filed and recorded within 24 months of the original Planning Commission approval, and each subsequent unit or phase shall be recorded within 12 months of the filing date of the prior unit or phase. If more than 12 months separates the recording of any one unit or phase from another, re-application for a new subdivision is required.
 - 2. If the preliminary plat does not identify phases or units for the subdivision, each subsequent phase or unit shall be reviewed by the Planning Commission.
- E. Construction Drawings. Construction Drawings shall be prepared and submitted as required by the City Engineer.
- F. Determination of Complete Final Plat Application.
 - 1. Within 5 business days of receiving a preliminary plat application, the City will determine whether the application, as submitted, is complete. If the application is determined to be incomplete, the application will be rejected. If the application is determined to be complete, the proposed preliminary plat will be scheduled for review by the City Engineer.
 - 2. Within 20 business days of certifying that an application for a final plat is complete, the City Engineer will conduct its review of the proposed final plat and either notify the proponent of any deficiencies or be given a notice to proceed in preparing the final mylar for signature collection and recording with the County

Recorder. It is recommended that the applicant submit a copy of the proposed final plat to the Cache County Recorder for their review in an effort to resolve their concerns prior to printing the mylar and securing all signatures.

G. Final Plat Review Process.

The final plat review process shall follow the process established in Utah Code 10-9a-604.2.

H. Final Plat Appeals Process.

An appeal of a subdivision improvement requirement shall follow the appeals process prescribed in Utah Code 10-9a-508(5)(d). All other subdivision appeals shall follow the appeals process prescribed in Chapter 17.50 of this Title.

I. Final Plat Recordation.

A final plat will be recorded after all of the following have been met:

1. All conditions, requirements, and modifications have been satisfied.
2. All necessary signatures and certifications of approval have been satisfied.
3. All construction plans have been approved and fully executed.
4. All required development agreements have been executed, all financial assurances have been provided, and all development fees paid.
5. The owner shall submit to Logan City funds payable to Cache County for the recordation of the final plat.
6. The owner shall provide proof that all applicable taxes have been paid prior to filing the final plat.
7. The final development agreements and any required private covenants, conditions, and restrictions (CC&Rs) shall be recorded with the final plat.

§17.40.070 Completion of Subdivision Improvements

No subdivision final plat or deed shall be recorded until all required improvements have been completed to the standards and specifications established by the City or other codes, laws, or regulations or a suitable financial assurance has been provided to guarantee that the approved subdivision improvements will be constructed by the owner, or which can be used by the City to complete said improvements. In addition, the following minimum requirements apply and may be added to by the City Engineer as applicable:

- A. Construction within the subdivision shall conform to all federal, state, and local regulations.
- B. Construction drawings and construction within the subdivision shall conform to the Department of Public Works Standards and Specifications. This document shall be available in the office of the City Engineer.
- C. A work in the right of way permit shall be obtained for all work within existing right of ways, public utility easements, or other City easements.
- D. Permits must be obtained for construction of the infrastructure facilities within the subdivision prior to initiating work.
- E. All required fees as set forth in the current fee schedule as adopted by the Logan City Council have been paid.
- F. Before obtaining any permits, each contractor must submit proof of the following:
 1. Utah State contractor's license;
 2. Performance bond as required by this Title;
 3. A warranty bond guaranteeing the improvements for a minimum period as set forth in Utah Law;
 4. Liability insurance;
 5. Vehicle insurance; and
 6. Worker's compensation insurance.

- G. Any work which begins prior to the issuance of a permit may be assessed an administrative penalty equal to two hundred percent of the cost of any fees and permits plus one thousand dollars.
- H. A preconstruction conference with the City Engineer may be required not less than forty-eight hours prior to the commencement of construction activities.
- I. The contractor shall notify the City Engineer not less than forty-eight hours prior to the commencement of construction.
- J. Within thirty (30) days of the completion of improvements, the subdivider shall submit “as built” drawings of subdivision improvements prepared by or under the supervision of a professional civil engineer or surveyor licensed to prepare such work in the State of Utah. Failure to submit such drawings shall result in a hold being placed on issuance of any building permits.

§17.40.080 Final Plat Map Waiver

- A. City Engineer May Waive some Final Plat Map Requirements for a Two-Lot Subdivision in accordance with Utah Law and the following:
 - 1. If the subdivision is comprised of two (2) lots;
 - 2. The subdivider intends to create the lots by metes and bounds descriptions; and
 - 3. The subdivision was reviewed and approved under Subsection 17.40.050 Minor Subdivisions.
- B. The City Engineer may require preparation of construction plans when appropriate.

Chapter 17.41: Boundary Line Adjustments, Subdivision Plat Amendments or Vacations, or Vacation of Rights of Way or Easements

§17.41.010 Purpose

The purpose of this Chapter is to provide a streamlined and simplified process for complying with State & City requirements for adjusting property lines, amending or vacating subdivisions or plats, or dedicating or vacating public right of ways or public easements.

§17.41.020 Land Use Authority

1. The City Engineer is designated as the administrative land use authority for all boundary line adjustments and subdivision plat amendment or vacations.
2. The Logan City Council is designated as the administrative land use authority for all public rights of way and public easement vacations.
3. The Logan City Mayor is designated as the administrative land use authority for all dedication of new public rights of way and public easements not included within the boundaries of a plat.

§17.41.030 Boundary Line Adjustments

- A. The City Engineer may approve, without a Subdivision Plat Amendment, a single lot line adjustment between two (2) properly subdivided lots, or a single Parcel Boundary Adjustment between two parcels, or a parcel and a single lot, if the owners of each property demonstrate, to the satisfaction of the City Engineer that:
 1. No new developable lot, parcel or unit results from the adjustment;
 2. No street right of way will be affected by the adjustment;
 3. The adjustment and resulting lots or parcels comply with the requirements of their respective zoning districts for lot size, width, frontage, yard, area, parking or other requirements; and
 4. Any affected public utility easements have been vacated or modified as necessary.
- B. Application for a Boundary Line Adjustment.

An application for a boundary line adjustment shall be submitted to the City Engineer, and to be considered a complete application, shall include the following:

 1. Preliminary application form, accurate & complete application checklist, and applicant certifications from all affected property owners;
 2. Preliminary review fees as set forth in the current fee schedule as adopted by the City Council; and
 3. A scaled drawing prepared by a licensed land surveyor showing the two (2) affected lots, the location of existing buildings on the lots, the proposed location of the new lot line, and the size of the two (2) lots before and after the adjustment; and
- C. Plat Map May Be Required.

In accordance with Utah code, if a boundary line adjustment results in the need for dedication of a public right-of-way or other public dedication, a plat shall be required.
- D. Recordation of Approved Boundary Line Adjustment.

Following final approval by the City Engineer, the property owner(s) shall submit the executed deeds, any required plats, exhibits, and other required final documentation to the City Engineer along with suitable payment for the cost of recording the legal descriptions with the County Recorder. The City Engineer shall record the deeds.

§17.41.040 Subdivision Plat Amendment or Vacation

The application for a Subdivision Plat Amendment or Vacation shall follow the submittal, review and recordation processes of Section 17.40.060 and the provisions set forth in Utah Code 10-9a-608 through 609.

§17.41.050 Vacation of Rights of Way or Public Easements

- A. An application for a Right of Way or Public Easement Vacation shall be submitted to the City Engineer for a preliminary determination of completeness and review, and shall include the following:
1. Preliminary application form, accurate & complete application checklist, and signatures/certifications from all affected property owners;
 2. Preliminary review fees as set forth in the current fee schedule as adopted by the City Council;
 3. A written narrative describing the reason(s) for the proposed public right of way or public easement vacation;
 4. A scaled drawing prepared by a licensed land surveyor showing the surveyed boundary of the vacated street area, surrounding streets and buildings, the acreage of the vacated street area, and the location of all adjacent properties and the ownership identified;
 5. A petition to vacate public right of way or public easement shall include:
 - a. The name and address of each owner of record of land that is adjacent to the public street right of way or easement; or
 - b. The name and address of each owner of record of land that is accessed exclusively by or within 300' of the public right of way or easement; and
 6. The signatures of each owner under subsection 5.a who consents to the vacation.
- B. An application to vacate a Public Right of Way or Public Easement shall be reviewed according to the provisions set forth in Utah Code 10-9a-609.5.

§17.41.060 Expiration of Preliminary Approvals

Preliminary approvals of boundary line adjustments, vacation of subdivision lots, subdivision plat amendments, dedication or vacation of right of ways or public easements procedures are valid for 90 days. All final documentation, plats, agreements, etc., shall be submitted to the City Engineer within 90 days of the date of preliminary approval.

Chapter 17.42: Conditional Use Permits

§17.42.010 Purpose

A conditional use is a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. The purpose of this chapter is to provide an objective system for considering conditional use permit applications in order to preserve and enhance neighborhood character and protect the public health, safety, and general welfare.

§17.42.020 Standing to Apply

Any property owner or a proponent with the written permission of the property owner may apply for consideration of a conditional use permit.

§17.42.030 Conditional Use Permits

All requests for permits in districts which involve uses listed or otherwise categorized as a conditional use shall be required to apply for approval of a conditional use permit in conformance with this Title prior to the issuance of any building or occupancy permits, business licenses, or other entitlements.

§17.42.040 Procedures, Reports, and Hearings

Conditional use permits are processed under the provisions of Chapter 17.48 and the requirements of this chapter. Applications for conditional use permits are heard before the Planning Commission.

§17.42.050 Planning Commission Action

The Commission may approve or conditionally approve a conditional use permit that is based on an objective standard in compliance with Utah Code (10-9a-507) and only upon substantiating the following findings:

- A. The proposed use is consistent with the allowable maximum densities of the underlying zone.
- B. The proposed use is consistent with the requirements of the Land Development Code.
- C. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining properties.
- D. The site will be served by infrastructure having sufficient capacities to meet the service demands of the proposed use.
- E. The proposed use is compatible with the surrounding neighborhood character as defined in Section 17.62.
- F. The proposed access is consistent with Logan City access and roadway standards and Utah Department of Transportation requirements where applicable.
- G. The conditional use is aimed at mitigating the possible negative impacts of excessive light, noise, and traffic.

§17.42.060 (Reserved)

§17.42.070 Abandonment or Vacation of Use

Any use for which a conditional use permit was issued pursuant to this Title shall be deemed to be void and no longer active or valid if the use for which the permit was issued is abandoned or vacated for a period of twelve consecutive months. This provision applies exclusively to conditional use permits issued by the Planning Commission.

17.43: Design Review Permits

§17.43.010 Purpose

The purpose of design review is to encourage high quality development design and enhance neighborhood character. The design review process is intended to ensure conformance to city standards and encourage superior design while providing for flexibility in project design. Two procedural “tracks” are provided whereby an applicant can choose to follow the prescriptive (Track 1) standards in Title 17, or propose an alternative design (Track 2) that is consistent with the purpose and intent of Title 17 and results in a superior design.

§17.43.020 Design Review Authority

The Planning Commission shall review Track 2 design review applications, including proposed site layout and building design for conformity with Title 17 and shall follow the notice and meeting requirements of Section 17.48. The Director shall review Track 1 design review applications, including proposed site layout and building design, grading and drainage for conformity with Title 17 and shall follow the notice requirements of Section 17.47.

§17.43.030 Standing To Apply

Any property owner, or proponent with the written permission of the property owner, may apply for consideration of a design review permit.

§17.43.040 Design Review Permits

- A. Design Review Permits are required for the following types of development:
 - 1. Attached single family dwellings;
 - 2. Townhomes and Townhouses;
 - 3. Multi-family residential buildings;
 - 4. Subdivisions;
 - 5. Commercial development;
 - 6. Industrial development;
 - 7. Recreation development;
 - 8. Public development;
 - 9. Freestanding signs; and
 - 10. Wireless Telecommunication Facilities.
- B. Design Review Permit is required for certain modifications to uses.
 - 1. All remodeling, renovation or additions, including parking and access, that result in an increase in size by more than 25% or 20,000 square feet, whichever is less; or
 - 2. Exterior remodeling or renovation that is found by the Director to result in an increase in a nonconforming design condition.

§17.43.050 Procedures

Design Review Permits shall be processed as either a Track 1 Permit or a Track 2 Permit. The review process for Track 1 Permits shall follow the procedural requirements in Section 17.47 while the review process for Track 2 Permits shall follow the procedural requirements in Section 17.48.

§17.43.060 Design Review Track 1: The Director shall be the review authority for Track 1 design review applications and shall review Track 1 applications according to Section 17.47.

- A. Track 1 Design Review Permits shall meet the following criteria:
 - 1. The project or use does not require any variance or conditional use permit;

17.43: Design Review Permits

2. The applicant has not requested any adjustment or modification to the standards in Title 17;
 3. The Director has not referred the application for a Design Review Permit to the Planning Commission for any other reason. The Director may refer applications to the Planning Commission for a Track 2 design review at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and
 4. The application meets all of the approval criteria in Section 17.43.080.
- B. The applicant shall be notified of the design review permit decision.
 - C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.50.
 - D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

§17.43.070 Design Review Track 2: The Planning Commission shall be the review authority for Track 2 design review applications and shall review Track 2 applications according to Section 17.48.

§17.43.080 Approval Criteria

The Planning Commission may approve a design review permit upon substantiating the following findings:

- A. The maximum allowable density under the applicable zoning district has not been exceeded, unless a density bonus has been approved for the subject site in conformance with this Title.
- B. The design review permit substantially conforms to the requirements of Title 17 of the Logan Municipal Code.
- C. Where an adjustment to a provision of Title 17 is requested as part of the design review application, the following criteria shall apply:
 1. The adjustment is consistent with the purpose and intent of the zoning district in which the project is located;
 2. The adjustment is consistent with the purpose of the standard for which the adjustment is requested;
 3. Permitted use standards, including conditional use standards, shall not be adjusted;
 4. Density standards shall not be adjusted;
 5. Adjustments to height, bulk, open space, landscaping, setbacks, lot coverage and floor area requirements may be approved provided that the adjustment does not exceed ten (10) percent of the base standard. Adjustments to design standards and guidelines such as building placement, building orientation, form, materials, fenestration, articulation, wall planes or façade variation may be approved by the Planning Commission with findings that demonstrate the proposed design changes are not due to financial considerations on behalf of the project proponent, are consistent with surrounding land use patterns and community design, will not compromise future projects or design, and any deviations reflect the City's desire to encourage and permit development that has lasting value to the community; and
 6. Historic district guidelines shall not be adjusted through this procedure.

§17.43.090 Conditions and Modifications

A. Permit Approval Conditions.

In reviewing an application for a design review permit, the decision making body may modify the project or impose conditions concerning site development, site design, and building design features to ensure conformance to applicable development and design

standards, consistent with the purpose of this section. The issues that may be reviewed include and are not limited to:

1. Size and location of site, including all property owned by the proponent;
 2. Streets and roads in the area;
 3. Ingress and egress to adjoining existing and proposed public streets. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan;
 4. Location and amount of off street parking;
 5. Internal traffic circulation system;
 6. Pedestrian and vehicular connectivity to adjoining properties;
 7. Fencing, screening and landscaped separations;
 8. Building bulk and location;
 9. Architecture design and detailing;
 10. Usable open space;
 11. Landscaping, screening and/or buffering;
 12. Signs and lighting;
 13. Noise, vibration, air pollution, adverse effects of lighting, and other development factors;
 14. Setbacks as approved or modified by the Planning Commission from the site plan in conformance with the provisions of this Title; or
 15. Existing trees, water bodies or other natural features.
- B. Permit Modifications.
- Permit modifications may be approved by the Director upon finding that the modification substantially conforms to the design review permit and is not a change of more than ten (10) percent from the approved plan (i.e., for any quantitative standard, specification or condition of approval).

Chapter 17.44: Amendments to the Land Development Code

§17.44.010 Purpose

The Land Development Code and Zoning Map may be amended from time to time in conformance with the provisions of this chapter and Utah law. These petitions or applications shall be known as “zoning amendments.”

§17.44.020 Application To Amend

A. Standing to Apply to Change Boundaries of a Zoning District.

The following persons, groups, or officials are permitted to submit an application for a change in the boundaries of a zoning district:

1. A property owner, or group of property owners, may apply to change the zoning district boundaries by submitting an application and paying the appropriate fees;
2. An application to change the boundaries of a zoning district may be initiated by a majority vote of the Planning Commission or the Municipal Council at a public meeting without either hearing or notice;
3. Any person may petition the Municipal council to initiate an application to change the boundaries of any zoning district whether or not such petitioners are the owners of the subject property(ies) proposed for rezoning; or
4. A request to change the boundaries of any zoning district may be proposed to the Planning Commission by the City Administration.

B. Standing to Apply to Amend the Language of the Land Development Code.

The following persons, groups, or officials are permitted to submit an application for a change in the text language, graphics, or maps of the Land Development Code:

1. Any person may apply to change the language of the Land Development Code by submitting an application and paying appropriate fees;
2. An application to change the language of the Land Development Code may be initiated by a majority vote of the Planning Commission or the Municipal Council at a public meeting without either hearing or notice;
3. Any person may petition the Municipal Council to initiate an application to change the language of the Land Development Code. The Municipal Council may require the payment of application fees by the petitioner; or
4. A request to change the boundaries of any zoning district may be proposed to the Planning Commission by the City Administration.

C. Process to Initiate an Application to Amend the Land Development Code.

1. A request to initiate a change in district boundaries or the text of the Land Development Code shall be considered by the Planning Commission or the Municipal Council, depending on which body received the petition, at a public meeting and subject to the following:
 - a. A public hearing is not required to consider the petition to initiate an amendment to the maps or text of the Land Development Code;
 - b. Mailed notices are not required for the public meeting on a petition to initiate an amendment; and
 - c. Separate newspaper advertising other than normal meeting notices and agenda availability is not required.
2. The Planning Commission or Municipal Council shall consider the petition on the basis of whether or not to create an application for the project that will bring the matter to a public hearing. The Commission and Council shall not debate the merits of the proposed amendment.

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3. By majority vote of members present, the Commission or Council may accept the petition as submitted, amend or modify the petition to encompass other text changes or include or exclude lands from a district boundary change, or reject the petition.
4. An action to accept a petition or accept a petition with modifications initiates an application for a zoning amendment and formal public hearing process and shall not be construed as an endorsement or predisposition to action on the proposal.

§17.44.030 Amendment Procedures**A. Application Process.**

Proposed amendments to the Official Zoning Map or the text of the Land Development Code shall be submitted to the Department of Community Development. Applications initiated by action of the Municipal Council or Planning Commission shall be prepared by the Director. Applications are processed in accordance with Chapter 17.48, except as directed for the Municipal Council in this chapter. Applications for amendments to the rest of the Land Development Code shall be separate from applications for amendments to the Official Zoning Map. Amendments to the rest of the Land Development Code and Amendments to the Official Zoning Map require separate noticing and separate public hearings.

B. Zoning Actions are Legislative in Nature.

Zoning amendments are legislative and conditions shall not be imposed. The Planning Commission and Municipal Council shall be required to find that the site is suitable for the proposed zoning district and all permitted uses and site development standards without limitation.

C. Public Notice for Proposed Changes to the Official Zoning Map.

Not less than ten days prior to the hearing date before the planning commission or municipal council, the Director shall send by first class mail a written notice to owners of real property as shown on the latest official County Assessor's rolls within three hundred (300) feet of the perimeter boundaries of any proposed change to the official zoning map. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:

1. The date, time and place of the meeting;
2. The body before which the hearing is scheduled;
3. The name of the proponent;
4. A general description of the proposed zoning change, as submitted by the proponent. The description should be neutral in tone and not be inappropriately embellished to create a belief that the City either favors or disapproves of the application;
5. A map that identifies the boundaries of the proposed zoning change;
6. A statement explaining when and where interested persons can obtain information;
7. The name of staff member and direct phone number to contact the staff member; and
8. An explanation as to how to participate in the hearing

§17.44.040 Planning Commission Hearing

The Planning Commission shall hold a public hearing at which it considers the staff report, the application of the petitioner, and comments by interested members of the public or other organizations.

§17.44.050 Planning Commission Action

The Commission may recommend that the Municipal Council approve an amendment to the Official Zoning Map or the text of the Land Development Code if it substantiates the findings in this section. Failure to find facts supporting the petition, or finding facts that are contrary to the petition, are grounds for a recommendation that the Council deny the zoning amendment.

A. Findings for Changes of Zoning District Boundaries.

1. The location of the subject property is compatible with the purpose of the new zoning district.
2. The subject property is suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all the permitted uses within the new zoning district.
4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the new zoning district.
5. The subject property, when used for the permitted uses in the new zoning district, will not be incompatible with adjoining land uses or the purpose of the adjoining zoning districts.

B. Findings for Land Development Code Text Amendments.

Depending on the nature of the text amendments, the Commission shall make findings associated with the proposed changes to the text. These specifically prepared finding shall encompass the following issues:

1. Findings shall, whenever possible, be enumerated or codified within the proposed amendment to provide an understanding of the Commission's purpose or intentions for the amendment.
2. Findings for changes to the regulations, standards or text of the Land Development Code are intended to identify the reasons the Commission is recommending the change.

§17.44.060 Municipal Council Action

A. Planning Commission Recommendation Forwarded to Council.

Following a recommendation by the Commission, the Director shall forward a copy of the recommendation to the Council with a written report or summary of the Commission's action.

B. Council Workshop.

1. Not more than 30 days after the Commission's recommendation, the Director shall request agenda time at a Municipal Council workshop to provide the Council with information about the proposed amendment.
2. At the workshop, the Council may accept the matter and schedule for public hearing, or request additional information prior to scheduling a hearing.
3. If a majority of the Council present at the workshop have no objection, the matter shall be set for public hearing and action with the Municipal Council.
4. Failure to hold a public hearing within one year of the Commission's action shall be deemed to be a de facto denial of the application.

C. Report to the Council.

The Director shall prepare a memorandum or written report to the Council and include as attachments the Planning Commission staff report and any other written material submitted at the Commission hearing. This report shall, at a minimum, address the following:

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1. The range of issues discussed at the Commission hearing that are not included in the Commission's staff report;
2. Any pertinent public testimony or agency comments presented at the Commission meeting; and
3. Any other appropriate information.

§17.44.070 Municipal Council Hearing

The Municipal Council shall hold a public hearing to consider the recommendation of the Planning Commission, the staff report or memorandum, the application of the petitioners, and comments by interested members of the public or other organizations.

§17.44.080 Municipal Council Action**A. Council Action by Ordinance.**

At the conclusion of the public hearing, the Council shall take action to enact an ordinance approving the zoning amendment or adopt a motion to deny the petition.

B. The Municipal Council may approve an amendment to the Official Zoning Map upon substantiating the following findings:

1. The location of the subject property is compatible with the purpose of the new zoning district.
2. The subject property is suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all the permitted uses within the new zoning district.
4. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the new zoning district.
5. The subject property, when used for the permitted uses in the new zoning district, will be compatible with adjoining land uses or the purpose of the adjoining zoning districts.
6. The zone change is consistent with the goals and policies of the General Plan.

C. The Municipal Council may approve the Land Development Code text amendment upon substantiating findings of fact encompassing the following:

1. The text amendment is consistent with the goals and policies of the General Plan.
2. The text amendment will benefit the public health, safety and welfare.

Chapter 17.45: Amendments to the General Plan

§17.45.010 Purpose

The General Plan may be amended three times each year in conformance with the provision of this chapter and Utah law. These petitions or applications shall be known as “General Plan amendments.”

§17.45.020 Amendment Procedures

A. Application Process.

Amendments to the General Plan shall be submitted to the Department of Community Development. Applications initiated by action of the Municipal Council or Planning Commission shall be prepared by the Director. Applications are processed in accordance with this chapter and Utah law.

B. Legislative Action.

General Plan amendments are legislative and conditions shall not be imposed.

§17.45.030 Planning Commission Hearing

The Planning Commission shall hold a public hearing at which it considers the staff report, the application, and comments by interested members of the public or other organizations.

§17.45.040 Planning Commission Action

The Commission may recommend that the Municipal Council approve an amendment to the General Plan if it substantiates the following findings.

A. Findings for Changes of General Plan Map Boundaries.

1. The change in map boundaries is compatible with the appropriate goals and policies in the General Plan.
2. The change in map boundaries is consistent with the City’s Capital Improvement Programming for new infrastructure within the area affected by the map amendment.

B. Findings for Changes to the Regulations, Standards or Text of the General Plan.

Depending on the nature of the text amendments, the Commission shall also make findings associated with the proposed changes to the text. These specifically prepared findings shall encompass the following issues:

1. Findings shall, whenever possible, be enumerated or codified within the proposed amendment to provide an understanding of the purpose or intentions for the amendment.
2. Findings for changes to the regulations, standards or text of the General Plan are intended to identify the reasons for the change.

§17.45.050 Municipal Council Action

A. Planning Commission Recommendation Forwarded to Council.

Following a recommendation by the Commission, the Director shall forward a copy of the recommendation to the Council with a written report or summary of the Commission’s action.

B. Council Workshop.

1. Not more than 30 days after the Commission’s recommendation, the Director shall request agenda time at a Municipal Council workshop to provide the Council with information about the proposed amendment.

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2. At the workshop, the Council may accept the matter and schedule for public hearing, request additional information for the public hearing, or request additional information prior to scheduling the matter for hearing.
 3. If a majority of the council present at the workshop has no objection, the matter shall be set for public hearing and action.
 4. Failure to hold a public hearing within one year of the Commission's action shall be deemed to be a de facto denial of the application.
- C. Report to the Council.
- The Director shall prepare a memorandum or written report to the Council and shall include as attachments the Planning Commission Staff Report and any other written materials submitted at the Commission hearing. This report shall, at a minimum address the following:
1. The range of issues discussed at the Commission hearing that are not included in the Commission's staff report;
 2. Any pertinent public testimony or agency comments presented at the Commission meeting; and
 3. Any other appropriate information.

§17.45.060 Municipal Council Hearing

The Municipal Council shall hold a public hearing at which it considers the recommendation of the Planning Commission, the staff report or memorandum, the application of the petitioners, and comments by interested members of the public or other organizations.

§17.45.070 Municipal Council Action

- A. Council Action by Resolution.
- Following conclusion of the public hearing, the Council shall take action to adopt a resolution approving the General Plan amendment or adopt a motion to deny the amendment.
- B. Council Findings for Approval.
- The Municipal council may approve an amendment to the General Plan maps upon substantiating the following findings:
1. The change in map boundaries is compatible with the appropriate goals and policies of the General Plan.
 2. The change in map boundaries is consistent with the City's Capital Improvement Programming for new infrastructure within the area affected by the map amendment.
- C. The Municipal Council may approve text amendments to the General Plan upon substantiating findings of fact encompassing the following:
1. The text amendment is consistent with the goals and policies of the General Plan.
 2. The text amendment will benefit the public health, safety and welfare.

Chapter 17.46: Variances

§17.46.010 Purpose

When literal interpretation of the provisions of Title 17 of the Logan Municipal Code results in a situation where the property owner does not have the opportunity to exercise basic property rights, the City may consider an application to vary the standards of this Title. The purpose of a variance is to relate only to the hardship identified and to ensure that the property is not deprived of privileges generally granted to other properties in the same area or zoning district.

§17.46.020 Standing to Apply for a Variance

Any person who owns, leases, or otherwise holds an interest in property may apply to the Land Use Appeal Board for consideration of a variance. If the person making the application is not a record owner of the subject property, written permission of the property owner is required prior to acceptance of the application.

§17.46.030 Procedures, Reports and Hearings

Applications for variances are processed under the provisions of Chapter 17.48 and the requirements as set forth in Utah law. Applications for variances are heard before the Land Use Appeal Board. Variances run with the land and the Land Use Appeal Board may not grant a use variance.

§17.46.040 Approval Criteria

The Land Use Appeal Board may grant a variance only in compliance with Utah Law.

Chapter 17.47: Procedures for Processing Track 1 Project Applications

§17.47.010 Uniform Project Review Procedures

All applications for Track 1 project review shall be processed with the uniform procedures of this Chapter.

§17.47.020 Pre-application Conference

Prior to submitting an application for a Design Review Permit, an applicant shall submit a conceptual development plan to the Community Development for review by Staff. The review will allow staff to ensure the project is suitable for the Track 1 review process. Once it is determined by staff that the concept plan meets the intent of the Land Development Code, a formal application may be submitted. Conceptual development plans shall include a scaled drawing accurately depicting property lines, critical lands, buildings, setbacks, paving, trees, and other site features. The proposed plan shall identify any proposed buildings, parking, landscaping, signs and building elevations.

§17.47.030 Application Requirements

A. Complete Application Required.

An application for Track 1 review shall not be accepted or scheduled for review unless it is determined to be complete and meets the following:

1. Be submitted by the property owner or a person who has written authorization from the property owner to act as agent on their behalf;
2. Be completed on a form prescribed by the City;
3. Include supporting information such as drawings, deeds, graphics, plat maps, plans, or other materials required by this Code or deemed necessary by the Director demonstrating compliance with the applicable review and approval criteria;
4. Be accompanied by the appropriate filing fee as set forth in the adopted Fee Schedule; and
5. Provide proof of ownership in the form of a deed, or other recorded document.

B. Distribution of Application.

The Director shall distribute copies of the proposed project to appropriate City and public agencies, and public utilities for purposes of soliciting comments.

§17.47.040 Staff Analysis and Record of Decision

The Director shall review applications for conformance with submittal requirements and shall prepare a written Record of Decision that includes or references the following:

- A. Analysis of the proposed project for conformance with the plans, policies, and provisions of this title;
- B. Comments and requirements of other City entities or public agencies;
- C. Recommendation for approval, conditional approval, or denial;
- D. Recommended conditions of approval; and
- E. Findings of fact on which the decision is based.

§17.47.050 Findings of Fact Required

A. All Decisions Shall Be Supported by Findings.

Based on the specific requirements of this Title, the Director shall make appropriate findings of fact substantiating the decision.

B. Failure to Make Findings.

The Director may deny a proposed project when he or she is unable to find facts in the record substantiating the required findings in this section.

§17.47.060 Records of Decision

The Director shall prepare a Record of Decision enumerating this decision according to Section 17.47.040. The Record of Decision may be signed by the proponent, shall be signed by the Director, and shall be recorded on the Tax Identification Number with the County Recorder.

§17.47.070 Completion of Projects

All projects shall be initiated prior to the expiration dates specified in the appropriate code sections. If not extended pursuant to Section 17.51, the permit shall become null and void.

§17.47.080 Standards for Development

All project applications shall be processed by the regulations in effect at the time a complete application was accepted by the Director.

Chapter 17.48: Procedures for Processing Project Applications

§17.48.010 Uniform Project Review Procedures

All applications for projects or appeals to be heard by the Planning Commission, the Historic Preservation Commission, or the Land Use Appeal Board shall be processed with the uniform procedures of this chapter. This chapter is not applicable to application for amendments or modifications to the General Plan, Land Development Code, or Zoning Map as set forth in Chapters 17.44 and 17.45.

§17.48.020 Pre-application Conference

Prior to submitting an application, an applicant shall submit a conceptual development plan to the Community Development for review by Staff. The review process will allow staff to work with the proponent to make a complete and accurate submission to the Planning Commission. This step will help to minimize redesign costs for the developer. When it is determined by staff that the concept plan meets the intent of the Land Development Code, a formal application may be submitted. Conceptual development plans shall include a scaled drawing accurately depicting property lines, critical lands, buildings, setbacks, paving, trees, and other site features. The proposed plan shall identify any proposed buildings, parking, landscaping, signs and building elevations. The review and clearance for a conceptual development plan does not require notice to the public or affected entities.

§17.48.030 Application Requirements

A. Complete Application Required.

An application for review by Community Development shall not be accepted or scheduled for review unless it is determined to be complete and meets the following:

1. Submitted by the property owner or a person who has written authorization from the property owner to act as agent on their behalf;
2. Completed on a form prescribed by the City;
3. Include supporting information such as drawings, deeds, graphics, plat maps, plans, or other materials required by this Code or deemed necessary by the decision-making body and Director demonstrating compliance with the applicable review and approval criteria;
4. Be accompanied by the appropriate filing fee as set forth in the adopted Fee Schedule; and
5. Provide proof of ownership in the form of a deed, or other recorded document.

B. Distribution of Application.

The Director shall distribute copies of the proposed project to appropriate City and public agencies, and public utilities for purposes of soliciting comments.

§17.48.040 Public Notice

A. Mailed Notice.

Not less than ten (10) calendar days prior to the hearing date before the decision-making or recommending body (as specified in section 17.48.010), the Director shall send a written notice to owners of real property as shown on the latest official County assessor's rolls within three hundred (300) feet of the perimeter boundaries of the subject property. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:

1. The date, time and place of the meeting;
2. The body before which the hearing is scheduled;
3. The case number, project docket number, or other identification number of the project, and the project's title;
4. The project's address;

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5. The name of the proponent;
 6. The type of project or projects, including an identification of all types of actions required;
 7. A general description of the proposed project as submitted by the proponent. The Director may edit the description to more clearly define the legal parameters under which the project is to be reviewed. The description should be neutral in tone and not be inappropriately embellished to create a belief that the City either favors or disapproves of the application;
 8. A statement explaining when and where interested persons can obtain information;
 9. The name and phone number of the staff member assigned to review the application; and
 10. An explanation as to how to participate in the hearing.
- B. Published Notice.
- At least ten (10) calendar days before the meeting, the City shall cause to be published a notice or copy of the agenda in a newspaper of general circulation in and for the City of Logan.

§17.48.050 Staff Report and Analysis

- A. Written Staff Report Required.
- The Director shall review applications for conformance with submittal requirements. The staff shall prepare a written report for the decision-makers that generally include the following items when relevant:
1. Analyzes the proposed project for conformance with the plans, policies, and provisions of this title;
 2. Incorporates the comments of other City and public agencies, and public utilities;
 3. Incorporates all public comments received prior to the date of publication;
 4. Incorporates the analysis and comments of the Planning Division staff;
 5. Incorporates the analysis and comments of the City Engineer;
 6. Includes a recommendation to approve, conditionally approve, or deny the request;
 7. Includes recommended conditions of approval, if needed; and
 8. Includes the findings of fact on which staff bases its recommendation, with the understanding that the decision-makers may accept or reject these facts based on the information at the public hearing.
- B. Distribution of Copies.
- Copies of the staff report shall be distributed to the decision-makers, proponent, and commenting departments at least three (3) days prior to the meeting.

§17.48.060 Public Hearing

The decision-makers or recommending body shall hold a public hearing to consider the application, the staff report, and any comments by interested members of the public or other organizations. The decision-makers or recommending body shall conduct the public hearing according to adopted by-laws or other accepted meeting procedures.

§17.48.070 Action

- A. Action Following a Public Hearing.
- Following the public hearing, the decision-making or recommending body shall take a vote to approve, conditionally approve, deny the project application, or continue the matter to a future meeting.

B. Continuing a Project to a Future Meeting.

The decision-makers may continue a project hearing or deliberations to a future meeting, but no more than six months shall pass from the first public hearing to the date of action.

1. Continuing a matter to a date and time specific shall not require mailed notices to be sent unless specifically directed by the decision-makers.
2. Continuing a matter to a non-specified meeting date requires that new public notices conform with this chapter be published and mailed.
3. Matter may be continued if the proponent is not present at the public hearing or if the decision-making body finds that there is inaccurate information or insufficient information to make a decision.
4. Unless otherwise determined by the decision-making or recommending body, a project which has been continued for more than six (6) months shall be deemed withdrawn from consideration.

§17.48.080 Findings of Fact Required**A. All Decisions Shall Be Supported with Findings.**

Based on the requirements in the individual chapters for types of applications (Refer to §17.48.010), the decision-making or recommending body shall not take action without making the appropriate findings of fact specified in the chapter.

B. Failure to Make Findings.

The decision-makers may deny a proposed project when they are not able to find facts in the record to substantiate the required findings in this section.

§17.48.090 Records of Decision

The Director shall prepare a Record of Decision enumerating the action of the decision-makers, the conditions imposed (if any), and the findings adopted to support the action. The Record of Decision may be signed by the proponent, shall be signed by the Director, and shall be recorded on the Tax Identification Number with the County Recorder.

§17.48.100 Completion of Projects

All projects shall be initiated prior to the expiration dates specified in the appropriate code sections. If not extended pursuant to Section 17.51, the permits shall become null and void.

§17.48.110 Standards for Development

All project applications shall be processed by the regulations in effect at the time a complete application was accepted by the Director.

Chapter 17.49: Compliance with Conditions

§17.49.010 Compliance Required

- A. Conditions Imposed on Project Approvals.
Projects are subject to the conditions adopted by the decision-makers as a part of the project review process. Failure to comply with adopted conditions shall be a violation of this title and may result in the revocation of any permits, or other corrective actions or penalties provided for in this Title.
- B. Conditions Imposed by Statute or Ordinance.
Any requirement or condition imposed as a mandate by statute or ordinance shall be a standard requirement of any project approval or permit issued by the City.

§17.49.020 Compliance Timing

- A. Compliance Prior to Issuance of a Building Permit.
A requirement or condition for which compliance is required prior to the issuance of a building or grading permit shall be completed before the release of any permits from the City, unless security has been posted pursuant to this chapter.
- B. Compliance Prior to Project Use or Occupancy.
Any requirement or condition for which compliance is required prior to the use or occupancy of a building, structure, site, or lot shall be completed prior to any use or occupancy, issuance of any permanent or temporary occupancy permits, or moving equipment, furniture, or occupants into the project. Completion may be deferred if the City receives improvement security pursuant to this chapter.

§17.49.030 Improvement Security

When in the judgment of the appropriate department head, it is not feasible to complete requirements or conditions imposed by statute or ordinance prior to the issuance of a permit, use, or occupancy, the improvement security may be accepted pursuant to this section to guarantee completion of the requirements or conditions.

- A. Acceptance of Security.
Improvement security may be accepted by the following departments in relation to requirements or conditions under departmental authority:
 - 1. Landscaping, parking, parking lot lighting, signage, site amenities and furnishings (Community Development);
 - 2. Right-of-way improvements, access locations, street improvements, curb, gutter, sidewalk, improvements related to driveways (Public Works);
 - 3. Electrical power (Community Development or Light and Power);
 - 4. Sewer, water, utilities (Public Works); and
 - 5. Buildings, structures, and all other improvements or deferrals (Community Development).
- B. Types of Security.
The following types of surety may be accepted as improvement security:
 - 1. Certificate of deposit, cash, cashier's check, or savings account in favor of the City of Logan in the amount of 110% of the estimated cost of improvements;
 - 2. Irrevocable letter of credit issued by a federally insured financial institution in the amount of 110% of the estimated cost of improvements;
 - 3. Escrow, draw-down, or performance account to which the City is a signatory and the escrow agent guarantees payment in the amount of 110% of the estimated cost of improvements; or

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4. Performance bond issued by a financial institution, insurance company, or surety company with a Moody's or Standard and Poor's investment grade bond rating in the amount of 110% of the estimated costs of improvements.
- C. Estimating the Cost of Improvements.
1. The permit holder shall present the City with a firm construction bid for the improvements that is valid for at least six months from the date of the bid.
 2. The bid shall be reviewed by the City Engineer or the appropriate departmental authority prior to acceptance of the estimated cost.
 3. If the City accepts the bid amount, the permit holder may use that amount for securing and delivering surety to the City.
 4. If the City does not accept the bid amount, the permit holder shall obtain three (3) firm bids for the work to be secured with prices valid for at least six (6) months. The City shall accept the average of the three (3) bids as the base amount for improvement security.

Chapter 17.50: Appeals

§17.50.010 Purpose

This chapter provides uniform appeals procedures for development-related actions of the City.

§17.50.020 Standing to File an Appeal

The proponent or any affected party who participated in the hearing process may file an appeal of a decision type set forth in Subsection 17.50.040.

§17.50.030 Land Use Appeal Board – Appointed Members

- A. The Mayor shall appoint three (3) members and up to two (2) alternates, with advice and consent of the City Council, to serve as the Land Use Appeal Board for requests and appeals of decisions by a Land Use Authority, including variances under Title 10, Chapter 9a, Part 7 of the Utah Code.
- B. A member shall be a resident of the City.
- C. A member shall have experience in land use matters.
- D. A member shall be appointed for a term of five (5) years and may not serve more than three (3) consecutive terms.
- E. A member may be removed by the Mayor for any reason.
- F. Three (3) members are required to constitute a quorum.

§17.50.35 Authority of Land Use Appeal Board

- A. The Land Use Appeal Board shall hear and decide:
 1. Requests for variances from the requirements of the City's land use ordinances;
 2. Appeals from decisions by a Land Use Authority applying the City's land use ordinances;
 3. Appeals from a fee charged in accordance with Section 10-9a-510 of the Utah Code;
 4. Appeals of a denial by a Land Use Authority of a request for a reasonable accommodation; and
 5. Any other appeal of a decision delegated to the Land Use Authority by the Logan Land Development Code or the Logan Municipal Code.
- B. The Land Use Appeal Board shall:
 1. Act in a quasi-judicial manner;
 2. Serve as the final arbiter of issues involving the interpretation or application of City land use ordinances subject to appeal to the Utah District Courts as provided in Section 10-9a-801 of the Utah Code.

§17.50.040 Filing Appeals

- A. All administrative appeals shall be filed in writing with the Director within ten (10) calendar days of the action being appealed. An appeals application not filed in the Department of Community Development shall not constitute a filing for purposes of meeting the 10-day limit.
- B. The filing of a written appeal or request does not stay the decision of the Land Use Authority. The Appellant may petition the Land Use Appeal Board to stay the Land Use Authority decision. Upon petition, the Land Use Appeal Board may order the decision of the Land Use Authority stayed pending review by the Land Use Appeal Board.

§17.50.050 Contents of the Request for an Appeal**A. Administrative Procedures.**

The Director shall prepare administrative procedures and an application form for filing an appeal before the Land Use Appeal Board.

B. Minimum Requirements for a Request to Appeal.

At a minimum, the request for an appeal shall be filed in writing and include the following:

1. The name of the person or persons filing the appeal, a mailing address and telephone number;
2. The project file number and the name of the project as it appeared on the agenda, or if appealing a staff decision, a description of the decision;
3. The date of the original hearing or staff decision;
4. Required appeal application fee; and
5. The specific issues being appealed. The appeal may not merely appeal the action of the decision-making body, but must specify how the Land Use Authority erred.

C. Incomplete Applications.

An incomplete application for an appeal shall not be accepted and shall not waive, defer, or delay the 10-day appeal deadline.

§17.50.060 Standard of Review**A. The Land Use Appeal Board review of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Land Use Authority including written communications, written land use decision, and the written appeal or request.****B. The Land Use Appeal Board may not accept or consider any evidence outside the record of the Land Use Authority unless that evidence was offered to the Land Use Authority and the Board determines that it was improperly excluded. The Appellant has the burden of proving that the Land Use Authority erred. The Appellant has the burden of proving that the Land Use Authority erred. The Land Use Appeal Board shall presume that a Land Use Authority decision is valid and in the review of factual matters shall determine only whether or not the decision is arbitrary, capricious, or illegal. A Land Use Authority decision interpreting or applying a land use ordinance shall be reviewed for correctness.****C. The Land Use Appeal Board may grant a variance only as allowed under Utah law.****§17.50.070 Staff Report Required****A. Appeals of Commissions and Committees.**

Appeal proceedings shall include a staff report updated from the Commission or Committee meeting with the results of the meeting and a summary of the actions or finding being appealed.

B. Appeals of Staff Decisions and Boundary Line Adjustments.

The staff member rendering the decision being appealed shall provide the Land Use Appeal Board and appellant with a written report or memorandum explaining the basis of the decision or interpretation. This report or memorandum shall serve as the administrative record of decision.

§17.50.080 Appeal Meeting

Not less than ten (10) calendar days following the mailing of a public notice, the Land Use Appeal Board shall hold a public meeting to hear the appeal. At that meeting, the Land Use Appeal Board shall hear the Staff's report including a summary of the action being appealed, the testimony of the appellant, and the testimony of the proponent, if different from the appellant.

§17.50.090 Decision of the Appeal

The Land Use Appeal Board shall render its decision at the meeting by majority vote of the three (3) member Board. If the Board overturns or modifies the action of the Land Use Authority, the Board shall make substantiated findings in conformance with the requirements of procedures for the type of action being appealed. If the Board upholds the appealed action, no additional findings are required and the Board's action automatically affirms the previously adopted findings. The Board may, upon upholding the Land Use Authority, add, clarify, or enhance findings based upon the facts of the appeal meeting

§17.50.100 Final Decision

A decision of the Land Use Appeal Board takes effect on the date when the Land Use Appeal Board issues a written decision.

Chapter 17.51: Expiration and Extensions of Time

§17.51.010 Expiration of Permits

The original approvals shall be valid for the time specified in this section.

A. Subdivisions.

The final plat map shall be recorded within 24 months of the date of the Land Use Authority approval. If a proposed phasing plan has been approved as part of the preliminary plat, the first phase of the final plat shall be filed and recorded within 24 months of the original Planning Commission approval, and each subsequent unit or phase shall be recorded within 12 months of the filing date of the prior unit or phase. If more than 12 months separates the recording of any one unit or phase from another, re-application for a new subdivision is required.

B. Conditional Use Permits.

1. The Conditional Use Permit is valid for 24 months from Planning Commission approval. If a building permit is required, it shall be obtained within 24 months of Planning Commission approval.
2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within 24 months from the date of Planning Commission approval.

C. Design Review Permits.

1. The Design Review Permit is valid for 24 months from the date of the Land Use Authority approval. If a building permit is required, it shall be obtained within 24 months of the Land Use Authority approval.
2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within 24 months from the date of the Land Use Authority approval.

D. All Other Permits.

1. If no building permit has been obtained, the permit issued pursuant to this Title shall expire 24 months from the date of approval.
2. If no building permit is required, the use or occupancy of the project for which the permit has been issued shall be initiated and business licenses obtained within 24 months from the date of approval.

§17.51.020 Extensions of Time

A. Subdivisions.

One extensions of time may be approved by the Director as follows:

1. A written request for an extension of time, including payment of all extension fees, shall be received by the Director prior to the expiration date of the subdivision.
2. The request for extension of time shall specify what conditions have been completed and the reasons for the extension request.
3. If the subdivider is delayed in completing the project due to circumstances beyond the subdivider's control, except for failure to obtain financing, the Director may grant an extension of time as follows:
 - a. Subdivision approvals may be extended for a maximum of one year from the date of original expiration. The maximum length of time from the date of the Land Use Authority approval to date of recordation of a subdivision shall not exceed three (3) years.

B. Conditional Use Permits and Design Review Permits.

One extensions of time may be approved as follows:

17.51: Expiration and Extensions of Time

1. A written request for an extension of time, including payment of all extension fees, shall be received by the Director prior to the expiration date.
2. The request for extension of time shall specify what conditions have been completed and the reasons for the extension request.
3. If the proponent is delayed in completing the project due to circumstances beyond the proponent's control, the Director may grant an extension of time for an additional 12 months from the date of original permit expiration if the findings in §17.51.030 are substantiated.
4. If the proponent is delayed in completing the project beyond the extension, the original permit and approval are null and void, and the proponent will need to submit a new, complete application.

§17.51.030 Standards for Approving Extensions of Time**A. Extensions of Time Reviewed by the Director.**

The Director may approve one extension of time for approvals and permits specified in Section 17.51.020 provided the following findings can be substantiated:

1. The proponent's initiation of development activities is based on an action by the City or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control;
2. The proponent has made a good faith effort to initiate the project by systematically completing pre-development conditions to the satisfaction of the responsible agency or department; and
3. Circumstances beyond the control of the permit holder have prevented initiation of the project. A delay in the approval of project financing shall not constitute a finding warranting an extension of time.

Chapter 17.52: Legally Existing Nonconformities

§17.52.010 Purpose

This Chapter governs uses, structures, lots, signs, and other situations that came into being lawfully but that do not conform to one or more standards of the Land Development Code. The regulations are intended to recognize the interests of property owners in continuing to use nonconforming property, manage the expansion of legally existing nonconformities, regulate re-establishment of abandoned uses, and to limit re-establishment of structures that have been substantially destroyed.

§17.52.020 Policies

- A. Continuing Legally Existing Nonconformities. Legally existing nonconformities may be allowed to continue in accordance with all of the regulations of this Chapter. However, as legally existing nonconformities obtain permits or reviews pursuant to this Chapter, the policy of Logan City is to ultimately replace the legally existing nonconformity with a conforming use or structure.
- B. Relocation of a Nonconformity. A nonconformity shall not be moved or relocated to another site, structure, or area on the same lot unless done in conformance with current City requirements.
- C. Determination of Nonconformity Status. The burden of proof establishing that a nonconformity legally exists is the responsibility of the owner, not the City.
 1. Legally Existing Nonconforming Determination Review Process. The City has established a process called “grandfathering” whereby a property owner can provide evidence of lawful establishment of a legally existing nonconformity for formal review and decision by the City.
 2. The Municipal Council may establish fees to cover the cost of staff providing research services to determine nonconformity status to support the proponent’s burden of proof requirement.
- D. Repairs and Maintenance. Minor repairs and normal maintenance required to keep legally existing nonconformities in a safe or aesthetically attractive condition are permitted, provided that all alterations meet current code requirements. Minor repairs and normal maintenance contemplated in this Chapter generally includes such things as installing new roofing, windows, doors and siding, painting, replacing rotten framing members, repairing cracked foundations, and repairing plumbing, mechanical and electrical systems. Minor repairs and normal maintenance do not include completely rebuilding a nonconformity to an entirely new structure or building.
- E. Change of Tenancy or Ownership. Changes of tenancy, ownership or management of an existing nonconformity are permitted, provided there is no change in the nature, character, extent, density or intensity of the nonconformity.

§17.52.030 Nonconforming Uses

Nonconforming uses are subject to the following standards.

- A. Enlargement or Expansion of Use. A nonconforming use may not be enlarged, expanded, or extended to occupy more land or floor area than was occupied at the time

17.52: Legally Existing Nonconformities

the use became nonconforming without first obtaining a conditional use permit subject to Chapter 17.42 and the following provisions:

1. The Planning Commission finds that the continued nonconforming use and proposed expansion of use is compatible with adjacent properties and other conforming uses in the area; and
 2. The Planning Commission finds that the continued nonconforming use and the proposed expansion of use will not have a detrimental impact on existing public infrastructure, services, or facilities.
- B. Discontinuance and Abandonment of Use. If a nonconforming use ceases to exist for a period of more than 12 consecutive months, all subsequent uses shall conform to all regulations of the district in which such lot is located.
- C. Damage or Destruction of Use. If any structure devoted in whole or in part to a nonconforming use is damaged or destroyed through actions other than neglect or intentional demolition, the structure and the use may be restored to the intensity or density that existed prior to the damage or destruction. In such cases, the structure and use shall be re-established within 12 months of the damage occurrence.
- D. Change in Use. A nonconforming use may be changed to a new use provided the new use shall be of the same general character or less intensive, and more closely conforming, than the current nonconforming use. The initial determination of whether a proposed use is a conforming use or is less intensive shall be made by the Director and shall be based on the use types, traffic generation, employee counts, noise, emissions, impacts to surrounding properties, and water, electrical, and sewer demands. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, shall not be changed back to the original nonconforming use.
- E. Accessory Uses. A use that is accessory to a primary nonconforming use may not continue if the primary nonconforming use ceases or terminates.
- F. Illegally Established Uses. No use may be considered a legally existing nonconforming use under the provisions of this Title if the use was never lawfully established through any combination of appropriate licenses, permits, or fees.

§17.52.040 Nonconforming Structures

Nonconforming structures are subject to the following standards.

- A. Enlargement or Expansion of Nonconforming Structure. A nonconforming structure may not be enlarged, expanded, or extended to occupy more land or floor area than was occupied at the time the structure became nonconforming without first obtaining a conditional use permit subject to Chapter 17.42 and the following provisions:
1. The Planning Commission finds that the continued nonconforming structure and proposed expansion is compatible with adjacent properties and other conforming uses or structures in the area;
 2. The Planning Commission finds that the proposed expansion is not increasing the degree of nonconformity in that the structural modifications conform to current setbacks, height limitations, open space, etc.; and
 3. The Planning Commission finds that the proposed expansion will not have a detrimental impact on existing public infrastructure, services, or facilities.
- B. Extension of a Legally Existing Single Family Structure. An existing structure used as a single family dwelling that does not conform to side yard requirements, but having a minimum side setback of not less than three feet, may be extended in depth along the nonconforming building line to the extent of ½ of the length of the existing structure. This extension of a nonconforming side setback may be permitted at the discretion of

17.52: Legally Existing Nonconformities

the Director if the extension is for the purpose of enlarging or maintaining the existing dwelling and is subject to the following findings:

1. The extension will not increase the number of dwelling units;
 2. The extension will not result in a change of the use as a single family dwelling;
 3. The extension complies with all other regulations in the zoning district in which the dwelling is located; and
 4. The extension will comply with applicable building code regulations.
- C. Abandonment. When a legally existing nonconforming structure is abandoned for a period of 12 or more calendar months the legally existing nonconforming status is no longer considered valid and the structure may be established only as a conforming structure.
- D. Physical Alteration. When a legally existing nonconforming structure is physically altered in a manner that alters the original “built as” structure for a period of 12 or more calendar months, the status of “legally existing nonconforming structure” is no longer considered valid, and any subsequent use or alterations to the structure shall only be done in a manner that brings the structure into compliance with current regulations.
- E. Deterioration. When a legally existing nonconforming structure is allowed to deteriorate to a condition that it is uninhabitable and is not repaired or restored within six (6) months after receiving written notice from the City that the structure is uninhabitable, the legally existing nonconforming status is no longer considered valid and the structure may be established only as a conforming structure.
- F. Damage or Destruction. A nonconforming structure that is damaged or destroyed through actions other than neglect or intentional demolition may be restored provided a building permit is obtained within 12 months of the date of damage. Failure to obtain building permits within 12 months of the date of damage will result in a loss of the legally existing nonconforming status. Restoration shall be started immediately following the issuance of a building permit and diligently pursued in accordance with the terms of the building permit.
- G. Relocation. Nonconforming structures shall not be moved or relocated to another location unless the movement or relocation will bring the structure into compliance with all applicable zoning district regulations and building code requirements.
- H. Illegal Structures. No structure may be considered a legally existing nonconforming structure under the provisions of this Title if the structure was never lawfully established through any combination of appropriate licenses, permits, or fees.

§17.52.050 Nonconforming Lots

A legal lot created in conformance with State and City regulations in effect at the first date of recordation may be occupied and used although it may not conform in every respect with the dimensional requirements of this Code, subject to the provisions of this section.

- A. Undeveloped Lots. If a legally existing nonconforming lot is undeveloped, the owner may use the property as permitted in the applicable zoning district, provided that any structure complies with all applicable site development standards.
- B. Developed Lots. If a legally existing nonconforming lot is developed, the owner may use the property as permitted in the applicable zoning district, provided that any additional structures or development complies with all applicable site development standards.
- C. Illegal Lots. No lot shall be considered a legally existing nonconforming lot under the provisions of this chapter if the lot was never lawfully established.

§17.52.060 Nonconforming Signs

- A. Change of Copy. Change of copy, or substitution of panels or faces of the same or less square feet on nonconforming signs, shall be permitted in accordance with section Chapter 17.33. Minor repairs and normal maintenance of nonconforming signs such as repainting and electrical repairs shall be permitted. Change of copy shall not be made by replacement with an electronic message center without obtaining a Design Review Permit in conformance with Chapter 17.33.
- B. Enlargement or Expansion. A legally existing nonconforming sign may at the discretion of the decision-making body be remodeled or redesigned for aesthetic or safety purposes. This discretionary action may be approved with a Design Review Permit if it is found that the design and appearance of the sign is an aesthetic improvement over the nonconforming sign.
- C. Moving. It shall be unlawful to move or relocate any existing sign, except in accordance with the provisions of Chapter 17.33.
- D. Abandoned Signs. Any nonconforming sign that ceases being used for a continuous period of 90 days, shall not be reused until it is brought into full compliance with the standards of the sign regulations in effect at the time a permit for a new sign is proposed.
- E. Abandoned Businesses. Any nonconforming sign that pertains to a business or institution with a business license that has lapsed for a period of 90 days or more shall not be reused for sign purposes until it is brought into full compliance with the standards of sign regulations in effect at the time a permit for a new sign is proposed.
- F. Illegal Signs. No sign may be considered a legally existing nonconforming sign under the provisions of this Chapter if the sign was never lawfully established.

§17.52.070 Other Nonconformities.

- A. Applicability. Included in this category of Other Nonconformities are fences, walls, parking lots, or other site development characteristics that are nonconforming due to sizes, heights, materials, setbacks, or locations that are not in conformance with City requirements.
- B. Enlargement or Expansion. Expansion or enlargement of a nonconformity that increases the degree of nonconformity shall be prohibited. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director.
- C. Discontinuance and Abandonment. If a nonconformity ceases to exist for a period of more than 12 consecutive months, all subsequent improvement and/or activities shall conform to all regulations of the district in which such lot is located.
- D. Damage or Destruction. If any nonconformity is damaged or destroyed through actions other than neglect or intentional demolition, the nonconformity may be restored to the condition or intensity that existed prior to the damage or destruction. In such cases, this must be completed within 12 months of the damage occurrence.
- E. Abandoned Business License. A business or institution operating with a business license that has lapsed or expired for a period of 90 days or more shall be required to bring that business or institution into full compliance with the current set of regulations.

Chapter 17.53: Annexations

§17.53.010 Purpose

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; ensure orderly growth and expansion of Logan City; ensure the orderly and logical provision of public services and utilities to new development; protect the public health, safety and welfare; and ensure that annexations are approved consistent with the Logan City General Plan, the Logan City Annexation Policy Plan, and Utah State Law.

§17.53.020 General Requirements

The following specific requirements are hereby established for annexation into Logan City.

- A. Property under consideration for annexation must be considered a logical extension of City boundaries.
- B. Annexation of property must be consistent with this Chapter, the Logan General Plan, and the Logan City Annexation Policy Plan.
- C. The piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable timeframe to avoid repetitious annexations.
- D. The proposed annexation will not create or leave islands of county jurisdiction and peninsulas and irregular boundaries shall be avoided, unless otherwise deemed necessary and allowed by State Law.
- E. Annexations shall generally follow existing roads, utilities, and property lines to minimize the public expense for extending main or service lines and streets.
- F. Annexation requests for parcels located along roadways shall include, at a minimum, the land to the centerline of the public roadway.
- G. If feasible and practical, public utilities shall be extended to the annexed area as soon as practicable after annexation. Expenses associated with such extension shall be the responsibility of the proponent. The City shall determine timing and capacity of extending utilities and services as necessary for safe, reliable, and efficient provision of new services.
- H. The proponent shall include a disclosure of the anticipated needs of public utilities and services and a timeline for new development.

§17.53.030 Property Owner Initiation of Annexation

Logan City's policy is to allow property owners contiguous to City boundaries, absent some reasonable public interest, to be and remain in control of both the discretion as to whether to be annexed into the City, and the timing in conjunction with such annexation. When initiated by the property owner, the process for annexation shall be as follows:

- A. The property owner or owners shall submit to the City a petition for annexation in a form established by the City and in compliance with State Law. Said petition shall contain signatures of property owners representing a majority of the land area and at least one third (1/3) of the value of real property within the area proposed for annexation.
- B. The petition for annexation shall include a survey of the property to be annexed that is prepared by a surveyor licensed to practice in Utah. The annexation plat shall accurately describe the existing City boundaries, each individual ownership petitioning for annexation, and shall include an accurate legal description of the property to be annexed.
- C. There shall be attached to the annexation petition a statement as to the anticipated timetable for development of the property being annexed.

- D. Annexation petitions with a zoning request for any zone other than Resource Conservation (RC) are subject to review by the Planning Commission who will make a recommendation on the proposed zoning designation(s) to the City Council. The final zoning shall be the responsibility of the City Council and determined concurrently with the public hearing on the proposed annexation.

§17.53.040 Procedures for Annexation Petitions and Annexation Plats

In addition to the procedures for processing annexation petitions set forth in Utah Code, the following procedures shall apply:

- A. After the City Recorder certifies the annexation petitions and prior to final City Council action on the annexation petition, the annexation petition shall be referred to the Director of Community Development for the following:
1. City Department Review. The annexation petition and annexation plat shall be referred to the City Departments and their respective divisions for review.
 2. Affected Entities Review. The annexation petition and annexation plat shall be referred to the Logan School District, Bear River Health Department, Logan Cache County Airport, Cache Metropolitan Planning Organization, Logan Downtown Alliance, Cache County Assessor, Cache County Recorder, Cache County Clerk, Cache County Development Services, Cache County Boundary Commission, Cache County Fire District, Cache County School District, Cache Valley Transit District, Cache Mosquito Abatement District, and any adjacent City potentially affected by this petition for review.
 3. Planning Commission. The annexation petition and annexation plat shall be referred to the Planning Commission for review and consideration. The Planning Commission shall hold a public hearing and make a recommendation on the proposed zoning to the City Council.
 4. Staff Recommendation. The Director of Community Development shall prepare a staff recommendation for the City Council on the proposed annexation that includes the following:
 - a. An accurate map of the proposed annexation area showing the boundaries, property ownership, and significant critical lands;
 - b. Current and potential population of the annexation area;
 - c. Current and potential residential densities of the annexation area and the immediate neighborhoods;
 - d. Existing land uses and development character of adjoining properties and neighborhoods;
 - e. Current and proposed Future Land Use Plan Map designations;
 - f. Current and proposed zoning designations of immediate area and proposed annexation area;
 - g. Statement as to how the proposed annexation area, and its proposed land uses, would contribute to the achievement of the goals and policies of the Logan City General Plan;
 - h. Assessed valuation of the current properties;
 - i. Anticipated demand for municipal services for the proposed annexation area;
 1. Distances from existing utilities to property;
 2. Distances to public schools, parks, commercial areas;
 3. Traffic generated by expected land uses at buildout;
 4. Assessment of service and capacity demands;
 5. Any special requirements due to the presence of environmentally sensitive areas.

- j. Effect the annexation will have upon City boundaries and whether the annexation will ultimately create a potential for islands, undesirable boundaries, and difficult service areas;
 - k. A specific timetable for extending services to the area and how these services would be financed;
 - l. Potential revenue generated by the proposal versus service costs;
 - m. An estimate of the tax consequences to residents of the annexation area;
 - n. Planning Commission recommendation;
 - o. Recommended zoning for the areas under consideration;
 - p. Recommendations or comments from City Departments or Affected Entities;
 - q. Findings substantiating whether the proposed annexation petition and annexation plat comply with the requirements of this Chapter, Utah Code, and the Logan City Annexation Policy Plan;
- B. After receipt of the recommendations from both the Director and the Planning Commission, and after giving notice pursuant to Section 10-2-406 of the Utah Code, the City Council shall hold a public hearing on the proposed annexation. The City Council may either grant or deny the annexation petition.

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Chapter 17.60: Administrative Enforcement

§17.60.010. Short Title

This title shall be known as “Administrative Enforcement.” This Title shall also be known as Title 17 Chapter 60 of the Logan City Code. It may be cited and pleaded under either designation.

§17.60.020. Purpose

The Municipal Council finds that the enforcement of the Logan City Code and applicable state codes is an important public activity. Code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. The Municipal Council recognizes that code enforcement is effective only when done quickly and fairly. The Municipal Council further finds that an enforcement system that allows a combination of judicial and administrative remedies is effective in correcting violations.

§17.60.030. Scope

The provisions of this Title may be applied to all violations of the Logan Municipal Code or applicable state codes which occur within Logan City limits and such territory outside Logan City limits over which the City has jurisdiction or control by virtue of any constitutional provision or law. This Title establishes an additional remedy that may be used by the City to achieve compliance with applicable codes.

§17.60.040. Existing Law Continued

The provisions of this Title shall not invalidate any other title, chapter, or ordinance of the Logan Municipal Code, but shall be read in conjunction with those titles, chapters, and ordinances and shall be used as additional remedy for enforcement of violations thereof.

§17.60.050. Criminal Prosecution Right

The City shall have sole discretion in deciding whether to file a civil or criminal judicial case or pursue an administrative enforcement action for the violation of any of its ordinances or applicable code requirements. The enactment of this Title shall not be construed to limit the City’s right to prosecute any violation as a criminal offense. If the City chooses to file both an administrative action and criminal charges for the same violation on the same day, no civil fees shall be assessed in the administrative action, but all other remedies contained herein shall be available.

§17.60.060. Effect of Headings

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of this Title.

§17.60.070. Severability

If any section, subsection, sentence, clause, phrase, portion, or provision of this Title is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The Municipal Council hereby declares that it would have adopted this Title and each section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This section shall apply to all amendments made to this Title.

§17.60.080. Civil Liability

By establishing performance standards or by establishing obligations to act, it is the intent of the Municipal Council that Logan City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

§17.60.090. General Rules of Interpretation

For purposes of this Title:

- A. Any gender includes the other gender.
- B. “Shall” is mandatory; “may” is permissive.
- C. The singular number includes the plural, and the plural the singular.
- D. Words used in the present tense include the past and future tense, and vice versa.
- E. Words and phrases used in this Title and not specifically defined shall be construed according to the context and ordinary usage of the language.
- F. Unless otherwise specified, the terms “hereof”, “herein”, and similar terms refer to this Title as a whole.

§17.60.100. Definitions Applicable to Title Generally

In the construction of this Title, the following words and phrases shall be as defined as set forth in this section unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

- A. “Administrative Citation” means a citation issued to a responsible person which gives notice of a violation and the civil fee for such violation.
- B. “Administrative Enforcement Order” means an order issued by a hearing examiner. The order may include an order to abate the violation, pay civil fees and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
- C. “Administrative Enforcement Hearing” means a hearing held pursuant to the procedures established by this Title and at the request of a responsible person.
- D. “City” means the City of Logan, Utah, including the Mayor and all other employees of the administrative branch of the City.
- E. “Director” means the Community Development Department Director or his designee.
- F. “Enforcement Official” means any person authorized by the City to enforce violations of the Logan Municipal Code or applicable state codes including, but not limited to, zoning officers, police officers, building inspection officials, fire marshal, and animal control officers.
- G. “Hearing Examiner” means a person appointed by the Mayor or his designee to preside over the administrative enforcement hearings.
- H. “Imminent Life Safety Hazard” means any condition that creates a serious and immediate danger to life, property, health, or public safety.
- I. “Mayor” means the Mayor of Logan City.
- J. “Municipal Council” means the Municipal Council of Logan City.
- K. “Notice of Compliance” means a document or form approved by the Director which indicates that a property complies with the requirements outlined in a notice of violation.
- L. “Notice of Emergency Abatement” means a written notice that informs a responsible person of emergency abatement actions taken by the City and the costs of those actions, and orders payment for those costs.
- M. “Notice of Itemized Bill for Costs” means a written notice to a responsible person, itemizing the City’s costs and ordering payment of those costs.

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- N. “Notice of Violation” means a written notice that informs a responsible person of code violations and orders certain steps to correct the violations.
- O. “Person” means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
- P. “Property Owner” means the record owner of real property as shown on the records of the Cache County Assessor.
- Q. “Responsible Person” means the person(s) determined by the City who is responsible for causing or maintaining a violation of the Logan Municipal Code or applicable state codes. The term “Responsible Person” shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, or other person who individually or together with another person is responsible for the violation of any provision of the Logan Municipal Code or applicable state codes.
- R. “Written” includes handwritten, typewritten, photocopied, computer printed, or facsimile.

§17.60.110. Acts Include Causing, Aiding, and Abetting

Whenever any act or omission is made unlawful in this Title, it shall including causing, permitting, aiding, or abetting such act or omission.

§17.60.120. Service of Notice Requirements

- A. Whenever a notice is required to be given under this Title, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:
 - 1. Personal service;
 - 2. Regular mail, postage prepaid, to the last known address of a responsible person;
 - 3. Posting the notice conspicuously on or in front of the property; or
 - 4. Published in a newspaper of general circulation.
- B. Failure of a responsible person to actually receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above.
- C. Service by regular mail in the manner set forth above shall be deemed served on the fourth day after the date of mailing.
- D. The failure of a person, other than a responsible person, to be served notice in accordance with this section shall not affect the validity of any proceeding taken hereunder.

§17.60.130. General Enforcement Authority

Whenever an enforcement official finds that a violation of the Logan Municipal Code or applicable state codes has occurred or continues to exist, he may undertake any of the procedures herein. The Director or any designated enforcement official shall have the authority to gain compliance with the provisions of the Logan Municipal Code and applicable state codes subject to the provisions of this Title. Such authority shall include the power to issue notices of violation and administrative citations, inspect public and private property, abate nuisances on public and private property, and to use any remedy available under this Title or law.

§17.60.140. Adoption of Policy and Procedures

The Mayor shall establish policies and procedures for the holding of administrative enforcement hearings, the appointment of hearing examiners, and the use of the administrative procedures herein by enforcement officials.

§17.60.150. Authority to Inspect

Enforcement officials are hereby authorized, in accordance with applicable law, to enter upon any property or premises to ascertain whether the provisions of the Logan Municipal Code or applicable state codes are being obeyed and to make any reasonable examination or survey necessary to determine compliance with the Logan Municipal Code or applicable state codes. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner. If a property owner or responsible person refuses to allow an enforcement official to enter the property, the enforcement official shall obtain a search warrant before entering the property.

§17.60.160. False Information or Refusal Prohibited

It shall be unlawful for any person to willfully make a false statement or refuse to give his name or address with intent to deceive or interfere with an enforcement official when in the performance of his official duties under the provisions of this Title. A violation of this section shall be a class B misdemeanor.

§17.60.170. Failure to Obey a Subpoena

It shall be unlawful for any person to willfully refuse or fail to obey a subpoena issued for an administrative enforcement hearing. A violation of this section shall be a class B misdemeanor.

Part 1. Administrative Enforcement Hearing Procedures**§17.60.180. Administrative Enforcement Hearings**

It is the purpose and the intent of the Municipal Council that any responsible person shall be afforded due process of law during the enforcement process. Due process of law shall require adequate notice, an opportunity to request and to participate in any hearing, and an adequate explanation of the reasons justifying any resulting action. The following procedures are intended to establish a forum to resolve and correct violations of the Logan Municipal Code and applicable state codes fairly, quickly, and efficiently while providing due process.

§17.60.190. Request for Administrative Enforcement Hearing

- A. A responsible person served with one of the following documents or notices shall have the right to request an administrative enforcement hearing, if the request is filed within ten (10) calendar days from the date of service of one of the following notices:
 1. Notice of violation;
 2. Notice of itemized bill for costs;
 3. Administrative citation; or
 4. Notice of emergency abatement.
- B. The request for an administrative enforcement hearing shall be made in writing, accompanied by a filing fee of \$150 and submitted to the Director.
- C. As soon as practicable after receiving the written notice of the request for an administrative enforcement hearing and payment of associated filing fee, the appointed hearing examiner shall schedule a date, time and place for the administrative enforcement hearing.
- D. Failure to request an administrative enforcement hearing within ten (10) calendar days from the date of service of any of the notices in subsection (A) above shall constitute a waiver of the right to an administrative enforcement hearing and the right to an appeal.

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- E. The filing fee shall be used to cover associated costs incurred by the City for the Administrative Enforcement Hearing. If the responsible person is found by the Hearing Examiner to not be responsible for all of the violations identified in the notice, the filing fee will be refunded to the responsible person.

§17.60.200. Notification of Administrative Enforcement Hearing

- A. Written notice of the date, time, and place of the administrative enforcement hearing shall be served to the responsible person within ten (10) days of setting the hearing date.
- B. The notice shall be served by any of the methods of service set forth in §17.60.120 of this Title.

§17.60.210. Appointment and Qualifications of Hearing Examiner

- A. The Mayor or his designee shall appoint hearing examiners to preside at administrative enforcement hearings.
- B. A Hearing Examiner.
 - 1. Shall have no personal or financial interest in the matter for which he is conducting a hearing; and
 - 2. May be a City Employee if his/her primary responsibility is as the Hearing Examiner.

§17.60.220. Powers of Hearing Examiner

- A. A hearing examiner shall have authority to hold an administrative enforcement hearing for violations of the Logan Municipal Code and applicable state codes.
- B. A hearing examiner may continue a hearing for good cause shown by one of the parties or if the hearing examiner independently determines that due process has not been adequately afforded to such party.
- C. At the request of any party to an administrative enforcement hearing, a hearing examiner may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed necessary by the hearing examiner to decide issues at the hearing. All costs related to the subpoena including witness and mileage fees, shall be borne by the party requesting the subpoena.
- D. A hearing examiner has continuing jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative enforcement order; ensuring compliance of that order, which includes authorizing the City to enter and abate a violation; modifying an administrative enforcement order; or, where extraordinary circumstances exist, granting a new hearing.
- E. A hearing examiner may require a responsible person to post a performance bond to ensure compliance with an administrative enforcement order.
- F. A hearing examiner shall not make determinations as to the existence of nonconforming rights. If a responsible person claims a nonconforming right as a defense, the hearing examiner shall continue the administrative enforcement hearing and shall refer the matter to the Logan City Land Use Appeal Board for a determination as to the existence of the nonconforming right. The Land Use Appeal Board's decision shall be binding on the hearing examiner. The responsible person shall bear the costs of the appeal to the Land Use Appeal Board.

§17.60.230. Procedures at Administrative Enforcement Hearing

- A. Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, an informal exchange of discovery may be required. Any such request shall be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing. The procedure and format of the administrative enforcement hearing shall follow duly adopted policies and procedures.
- B. The City shall bear the burden of proof to establish the existence of a violation of the Logan Municipal Code or applicable state codes.
- C. Such proof shall be established by a preponderance of the evidence.
- D. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.
- E. All administrative enforcement hearings shall be open to the public and shall be recorded by audiotape. In the discretion of the hearing examiner, administrative enforcement hearings may be held at the location of the violation.
- F. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address, and telephone number shall be given to the City at least five (5) days prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be assessed to the responsible person.
- G. The burden to prove any raised defenses shall be upon the party raising any such defense.

§17.60.240. Failure to Attend Administrative Enforcement Hearing

A responsible person who fails to appear at an administrative enforcement hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that prior notice of the hearing has been given as provided in §17.60.120.

§17.60.250. Administrative Enforcement Order

- A. A responsible person and the City may enter into a stipulated agreement, which shall be signed by both parties. Such agreement shall be entered as an administrative enforcement order. Entry of such agreement shall constitute a waiver of the right to an administrative enforcement hearing and the right to appeal.
- B. After all evidence and testimony are presented, the hearing examiner shall issue a written administrative enforcement order that affirms or rejects the notice or citation.
- C. A hearing examiner may issue an administrative enforcement order that requires a responsible person to cease from violating the Logan Municipal Code or applicable state codes and to take any necessary corrective action.
- D. A hearing examiner may order the City to enter the property and abate all violations, including the removal of animals in violation of an applicable code requirement.
- E. A hearing examiner may revoke the right as provided in the Logan Municipal Code to possess animals, a kennel permit, or an animal license.
- F. As part of an administrative enforcement order, a hearing examiner may establish specific deadlines for the payment of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified deadlines.

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- G. A hearing examiner may issue an administrative enforcement order imposing civil fees. Such fees shall continue to accrue until the responsible person complies with the hearing examiner's decision and corrects the violation.
- H. A hearing examiner may schedule subsequent review hearings as may be necessary or as requested by the City to ensure compliance with an administrative enforcement order.
- I. A hearing examiner may order a responsible person to post a performance bond to ensure compliance with an administrative enforcement order.
- J. An administrative enforcement order shall become final on the date of signing by a hearing examiner.
- K. An administrative enforcement order shall be served on all parties by any one of the methods listed in §17.60.120 of this Title. When required by this Title, the Director shall record the administrative enforcement order with the Cache County Recorder's Office.
- L. After a hearing examiner has issued an administrative enforcement order, the Director shall monitor the matter for compliance with the administrative enforcement order.

§17.60.260. Failure to Comply

It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a final administrative enforcement order. A violation of this section shall be a class B misdemeanor.

§17.60.270. Appeal

- A. Any responsible person adversely affected by a final administrative enforcement order made in the exercise of the provisions of this Title may file a petition for review in the district court.
- B. The petition shall be barred unless it is filed within 30 days after the administrative enforcement order is final.
- C. In the petition, the plaintiff may only allege that the administrative enforcement order was arbitrary, capricious or illegal.
- D. The court shall:
 - 1. Presume that the administrative enforcement order is valid;
 - 2. Review the record to determine whether the order was arbitrary, capricious, or illegal; and
 - 3. Affirm the administrative enforcement order if it is supported by substantial evidence in the record.
- E. The record of the proceedings including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection.
- F. If there is a record, court review shall be limited to the record of the proceeding. The court may not accept or consider any evidence outside such record unless that evidence was offered to the hearing examiner and the court determines that it was improperly excluded by the hearing examiner. The court may call witnesses and take evidence if there is no record.
- G. The filing of a petition does not stay execution of an administrative enforcement order. Before filing a petition, a responsible person may request the hearing examiner to stay an administrative enforcement order. Upon receipt of a request to stay, the hearing examiner may order the administrative enforcement order to be stayed pending district court review if the hearing examiner finds such stay to be in the best interest of the City.

Part II. Administrative Abatement**§17.60.280. Administrative Abatement**

Any condition caused, maintained, or permitted to exist in violation of any provision of the Logan Municipal Code or applicable state codes may be abated by the City pursuant to the procedures set forth in this chapter.

§17.60.290 Notice of Violation

- A. Whenever an enforcement official determines that a violation of the Logan Municipal Code or applicable state codes has occurred or continues to exist, a notice of violation may be issued to the responsible person. The notice of violation shall include the following information:
1. Name of the responsible person;
 2. Street address of violation;
 3. Date violation observed;
 4. All code sections violated and a description of the condition that violates the applicable code;
 5. All remedial action required to permanently correct any violation, which may include corrections, repairs, demolition, removal, or other appropriate action;
 6. Specific date to correct the violation set forth in a notice of violation, which date shall be at least ten (10) days from the date of service;
 7. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to criminal prosecution, civil fees, revocation of permits, recordation of the notice of violation, withholding of municipal permits, abatement of the violation, costs, administrative fees, and any other legal remedies;
 8. Statement that civil fees will begin to accrue immediately on expiration of the date to correct violation;
 9. The amount of the civil fee for each violation and a statement that the civil fee shall accrue daily until the violation is corrected;
 10. Demand that the responsible person cease and desist from further action causing the violation and commence and complete all action to correct violations as directed by the City;
 11. Procedures to request an administrative enforcement hearing, and consequences for failure to request such hearing; and
 12. Statement that when the violation is brought into compliance the responsible person must request an inspection.
- B. The notice of violation shall be served by one of the methods of service listed in §17.60.120 of this Title.

§17.60.300. Requesting Hearings

A responsible person shall have the right to an administrative enforcement hearing. A request for such hearing shall be in writing, accompanied by a filing fee of \$150, and shall be filed within ten (10) days from the date of service of the notice of violation. Failure to request an administrative enforcement hearing as provided shall constitute a waiver to an administrative enforcement hearing and a waiver of the right to appeal.

§17.60.310. Failure to Correct

It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a notice of violation. A violation of this section shall be a class B misdemeanor.

§17.60.320. Inspections

It shall be the duty of the responsible person to request an inspection when a violation has been corrected. If no inspection is requested, it shall be deemed prima facie evidence that the violation remains uncorrected. If more than one inspection is necessary, an inspection fee of fifty (\$50) dollars shall be assessed for each subsequent inspection.

§17.60.330. Authority to Abate

The Director is hereby authorized to enter upon any property or premises to abate a violation of the Logan Municipal Code and applicable state codes as set forth in §17.60.150. The Director shall assess all costs for abatement to the responsible person and may use any remedy available under the law to collect such costs. If additional abatement is necessary within two (2) years, treble costs shall be assessed against the responsible person for the actual abatement.

§17.60.340. Procedures for Abatement

- A. Non-emergency violations may be abated after 30 days written notice. The violation may be abated by City personnel or by a private contractor acting under the direction of the City.
- B. City personnel or a private contractor may enter upon private property in a reasonable manner to abate a violation as specified in the notice of violation or administrative enforcement order.
- C. If a responsible person abates the violation before the City abates the violation pursuant to a notice of violation or administrative enforcement order, the Director may nevertheless assess all costs actually incurred by the City against the responsible person.
- D. When abatement is completed, the Director shall prepare a notice of itemized bill for costs.
- E. The Director shall serve the notice of itemized bill for costs by registered mail to the last known address of the responsible person. The notice shall demand full payment within twenty (20) days to the Logan City Finance Department.
- F. The responsible person shall have the right to an administrative enforcement hearing to contest the notice of itemized bill for costs. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of itemized bill for costs. Failure to request an administrative enforcement hearing as provided shall constitute a waiver to such hearing and a waiver of the right to appeal.

§17.60.350. Procedures for Recordation

- A. For violations of Title 15 and 17 of the Logan Municipal Code and any other applicable code, when a notice of violation has been served on a responsible person, and the violation remains uncorrected after the date to correct set forth in the notice of violation, and a request for an administrative enforcement hearing has not been timely requested, the Director may record the notice of violation with the Cache County Recorder's Office.
- B. If an administrative enforcement hearing is held, and an administrative enforcement order is issued, the Director shall record the administrative enforcement order with the Cache County Recorder's Office.
- C. The recordation of an administrative enforcement order shall not be deemed an encumbrance of the property, but shall merely place interested parties on notice of any continuing violation found upon the property.
- D. Notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in §17.60.120 of this Title.

§17.60.360. Notice of Compliance

- A. When a violation is corrected, a responsible person shall request an inspection from the director.
- B. When the Director receives such request, the Director shall reinspect the property as soon as practicable to determine whether the violation has been corrected, and whether all necessary permits have been issued and final inspections have been performed as required by applicable codes.
- C. The Director shall serve a notice of compliance to the responsible person and property owner in the manner provided in §17.60.120. herein if the Director determines that:
 1. All violations listed in the recorded notice of violation or administrative enforcement order have been corrected;
 2. All necessary permits have been issued and finalized;
 3. All assessed civil fees have been paid; and
 4. All assessed administrative fees and costs have been paid.

§17.60.370. Prohibition Against Issuance of Municipal Permits

The City shall withhold business licenses, permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure, where a violation is located. The City shall withhold such permits until a notice of compliance has been issued by the Director. The City shall not withhold permits necessary to obtain a notice of compliance or to correct serious health and safety violations.

§17.60.380. Civil Fees

If a responsible person fails to correct a violation by the correction date listed in a notice of violation or in an administrative enforcement order, civil fees shall be owed to the City as follows:

- A. The civil fee for each violation shall be one hundred dollars (\$100).
- B. Thereafter, an additional civil fee of one hundred dollars (\$100) for each subsequent day of violation until the violation is corrected.
- C. The maximum amount of civil fees accruable for each violation listed in a notice of violation or in an administrative enforcement order shall be one thousand dollars (\$1,000).
- D. Payment of any civil fee shall not excuse any failure to correct a violation of the reoccurrence of the violation, nor shall it bar further enforcement action by the City.
- E. Civil fees shall be paid to the City of Logan.

Part III. Emergency Abatement**§17.60.390. Emergency Abatement**

- A. Whenever the Director determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Director shall exercise the following powers without prior notice to the responsible person:
 1. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
 2. Post the premises as unsafe, substandard, or dangerous;
 3. Board, fence, or secure the building or site;
 4. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;

5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 6. Take any other action appropriate to eliminate the emergency.
- B. The Director may, based on probable cause, enter property without a search warrant or court order to accomplish the above-listed acts.

§17.60.400. Procedures

- A. The Director shall document the life or safety hazard prior to emergency abatement. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of a hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person.
- B. The Director may also pursue any other administrative or judicial remedy to abate any remaining violations.
- C. After an emergency abatement, the City shall, within ten (10) days serve notice of itemized bill for costs to the responsible person for the abatement action taken. Such notice shall include a description of the imminent life safety hazard.
- D. A responsible person has the right to an administrative enforcement hearing. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of itemized bill for costs. Failure to request an administrative enforcement hearing as provided herein shall constitute a waiver to an administrative enforcement hearing and a waiver to the right to appeal.

Part IV. Administrative Citations

§17.60.410. Purpose

The Logan Municipal Council finds that an appropriate method of enforcement for violation of the Logan Municipal Code and applicable state codes is by administrative citation. The procedures established in this chapter shall be an alternative and in addition to those procedures set forth in other chapters of the Logan Municipal Code or state law.

§17.60.420. Administrative Citations

- A. Upon discovering a violation of the Logan Municipal Code or applicable state codes that does not necessitate a notice of violation, an enforcement official may issue an administrative citation to the responsible person.
- B. The administrative citation shall be served in the manner prescribed in §17.60.120.
- C. The enforcement official shall attempt to obtain the signature of the responsible person on the administrative citation when personally served. When a responsible person refuses or fails to sign the administrative citation, such failure or refusal shall not affect the validity of the citation and subsequent proceedings.

§17.60.430. Contents of Citation

Each administrative citation shall contain the following information:

- A. The date and location of all violations;
- B. Code sections violated;
- C. The amount of civil fee imposed for each violation;
- D. An explanation of how the civil fee shall be paid, the time period in which the civil fee shall be paid, and the consequences of failure to pay the civil fee;
- E. Identify the right to and the procedures for requesting an administrative enforcement hearing; and

- F. The signature of the enforcement official and, if possible, the signature of the responsible person.

§17.60.440. Civil Fees Assessed

- A. Civil fees shall be due and payable immediately upon service of an administrative citation.
- B. The civil fee for each violation listed on the administrative citation shall be one hundred (\$100) dollars if paid within ten (10) days of service, excepting that the civil fee for a violation of over-occupancy of a residential dwelling unit shall be five hundred (\$500) dollars if paid within ten (10) days of service.
- C. Civil fees shall be doubled if paid after ten (10) days.
- D. Payment of any civil fee shall not excuse a failure to correct a violation or any reoccurrence of the violation, nor shall it bar further enforcement action by the City.
- E. Civil fees shall be paid to the City of Logan.

Part V. Costs and Fees

§17.60.450. Purpose

- A. The Logan Municipal Council finds that the costs incurred by enforcement officials and other City personnel to correct violations should be recovered from the responsible person.
- B. The Logan Municipal Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, re-inspection fees, filing fees, attorney fees, hearing examiner fees, title search, and any additional actual costs incurred by the City for each individual case. The assessment and collection of costs shall not preclude the imposition of any judicial fees or fines for violations of the Logan Municipal Code or applicable state codes.

§17.60.460. Assessment of Costs

- A. Whenever actual costs are incurred by the City to enforce the Logan Municipal Code and applicable state codes, such costs shall be assessed against the responsible person.
- B. The Director shall serve the responsible person with a notice of itemized bill for costs.
- C. The responsible person shall have a right to an administrative enforcement hearing. A request for such hearing shall be in writing and shall be filed within ten (10) days from the date of service of the notice of itemized bill for costs. Failure to request an administrative enforcement hearing as provided shall constitute a waiver to an administrative enforcement hearing and a waiver of the right to appeal.

§17.60.470. Failure to Timely Pay Costs

The failure of any person to pay assessed costs by the deadline specified in an invoice shall result in a late fee calculated at the rate of one and one-half percent (1½%) per month.

§17.60.480. Administrative Cost Fund

Administrative costs and fees collected pursuant to this Title shall be deposited in a fund, as established by the City, for the enhancement of the City's code enforcement efforts and to reimburse City departments for costs associated with the administration of this Title. Fees and costs deposited in this fund shall be allocated pursuant to the City's budget process and as authorized by applicable law.

§17.60.490. Allocation of Civil Fees

Civil fees collected pursuant to this Title shall be deposited in the Logan City general fund. Civil fees deposited in the general fund may be allocated pursuant to the City's budget process and as authorized by applicable law.

Chapter 17.61: Words Defined

§17.61.010. Defining Words

Words used in the Land Development Code have their normal dictionary meaning unless they are defined in Chapter 17.62. Words defined in Chapter 17.62 are defined for the purposes used in this Title only. These words have the specific meaning stated, unless the context clearly suggests another meaning.

§17.61.020. Use of General Terms

Information about the use of general terms and conventions of language is contained in §17.61.030 and §17.61.040.

§17.61.030. Use of “Shall” and “May”

A. “Shall” Means Mandatory.

The word “shall” means that the directives or requirements are mandatory and may not be waived or modified. If used within the text, “will” and “must” also mean “shall.”

B. “May” Means Permissive.

The word “may” means that the directives or requirements are permissive and are imposed at the option of the decision-maker. “Can” and “strive” also mean “may.”

§17.61.040. Use of “And” and “Or”

A. “And” means that each item identified shall be required.

B. “Or” means any combination of one or more of the identified items may be required.

§17.61.050. Sources of Definitions

A. Definitions within the Land Development Code.

Words defined with the Land Development code shall have the meaning as assigned in this code.

B. Definitions within Other Titles of the Logan Municipal Code.

Words not defined within Title 17, Logan Municipal Code, Land Development, which are defined in other Titles of the Logan Municipal Code, shall have the meanings as established within the Logan Municipal Code. In the event a word is defined in both Title 17, Logan Municipal Code, Land Development and other Titles of the Logan Municipal Code, the definition within Title 17, Logan Municipal Code, Land Development shall apply to word usage within this Title.

C. Definition Sources for Words Not Defined Anywhere Within the Logan Municipal Code.

1. Development terms not defined within any Title of the Logan Municipal Code shall have the meaning contained with The New Illustrated Book of Development Definitions, by Moskowitz and Lindbloom, published by the Center for Urban Policy Research of Rutgers University, Piscataway, New Jersey; 1995 edition.
2. Terms not defined in any cited sources shall have the meaning as established in the current edition of the Webster’s Encyclopedic Unabridged Dictionary of the English Language, published by Gramercy Press, 1996 edition.

Chapter 17.62: Definitions

The definitions of words in this chapter are established as specific meanings for this Title only. Words with specific meaning in the Land Development Code are as follows:

“Accessory Dwelling Unit (Internal)” means an accessory dwelling unit created within the footprint of an owner occupied, detached, single family dwelling for the purpose of offering a long-term rental of 30 consecutive days or longer.

“Accessory Structure” means a structure that is subordinate to and serves a primary use or structure; is subordinate to the primary use or structure served; contributes to the comfort, convenience or necessity of occupants of the primary use or structure served; and is located on the same lot and in the same zoning district as the primary use.

“Accessory Use” means a use or activity that is a subordinate part of a primary use and clearly incidental to a primary use.

“Accommodations (Lodging)” means facilities offering transient lodging accommodations to the general public and which may include additional facilities, such as restaurants, meeting rooms, entertainment, personal services, and recreation facilities.

“Adult-Oriented Business” See Section 5.29 of the Logan Municipal Code for definition.

“Aerobic Studio” means a business to which a class of participants attends on a periodic or regular basis for purposes of exercise, weight training, fitness training, and participation in related activities. An aerobic studio may also include the retail sales of products related to its services.

“Affordable Housing” means safe and decent housing with a sales price or rent that is within income limitations for households defined as low and moderate income by current Federal or State definitions.

“Agriculture” means the production, keeping, or maintenance, for commercial purposes, of plants and animals useful to society, including and not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

“Agriculture, Community” means crop production, horticulture, floriculture, or viticulture and which may include facilities for the sale of produce, plants, and/or flowers produced or grown on-site. The phrase "agriculture, community" is lower in scale than "agriculture" and more restricted in its operations. The phrase "agriculture, community" includes:

- A. **Community Gardens** are gardens that are maintained and cultivated by non-profit entities or groups of individuals who engage in the activity for their own benefit;
- B. **Small community-supported Farms** are farms that are less than two acres in area, in which produce, plants, and/or flowers are grown and harvested on behalf of a community of members ("shareholders") who pledge financial support in advance of the growing season; and
- C. **Market Gardens** are gardens up to one-half acre in area in which produce, plants, and/or flowers are grown for off-site distribution and sale.

The phrase "agriculture, community" includes composting (of agricultural byproducts produced on-site for use on-site) and seasonal produce stands as accessory uses. The phrase "agriculture, community" does not include the large scaled commercial agriculture uses described in "agriculture" as defined above.

"Agriculture, Urban" means the production of food within an urban area on a scale that is for personal use and consumption. Urban agriculture can also include animal husbandry (e.g., breeding and raising livestock), beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers.

"Airport" means the Logan-Cache County Airport.

"Airport Board of Adjustment" means the City of Logan Land Use Appeal Board performing the duties prescribed in Utah Code §2-4-5.

"Airport Hazard" means any structure or use of land which potentially obstructs the airspace required for safe flight of aircraft in landing or taking off at an airport.

"Airport Hazard Area" means any area of land upon which an airport hazard might be established.

"Airport Zoning Commission" means the City of Logan Planning Commission serving in the roles prescribed in Utah Code §2-4-5.

"Alcohol, Bar" means a retail business establishment that serves alcoholic beverages in accordance with definitions and requirements of the Utah Alcoholic Beverage Control Act

"Alcohol, Brewery" means a business establishment that manufactures more than fifteen thousand (15,000) barrels of beer, heavy beer, or malt liquor as otherwise defined and regulated in title 32B, Utah code, as amended.

"Alcohol, Brew Restaurant" See Logan Municipal Code Chapter 5.10.

"Alcohol, Taproom" See Logan Municipal Code Chapter 5.10.

"Alcohol, Distillery" means a business establishment that manufactures distilled, spirituous beverages, not to include those alcoholic beverages produced in a brewery or winery.

"Alcohol Liquor Store (Package)" means a store that sells alcoholic beverages for off-site consumption.

"Alcohol, Small Brewery, Distillery, or Winery" means an alcoholic beverage manufacturing use that occupies less than ten thousand (10,000) square feet in gross floor area, and produces beverages as specified in the definitions for Alcohol, Brewery; Alcohol, Distillery; and Alcohol, Winery.

"Alcohol, Tavern" means an establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold.

"Alcohol, Winery" means a business establishment that manufactures alcoholic beverages from the fermented juice of grapes, fruits, or other liquid bearing plants for off premises consumption, not to include those alcoholic beverages produced in a brewery or distillery.

"Alternative or Post Incarceration Facility" means halfway houses, work release centers or any other domiciliary facilities for persons released from any penal or correctional facility but still in the custody of

the city, county or public agency OR youth care centers or other facilities authorized to accept youth offenders.

“Amateur Radio Facility” means any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

“Amusement, commercial indoor” means a recreational facility conducted entirely indoors for commercial purposes, with or without seating for spectators, and providing accommodations for a variety or individual, organized or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, handball, bowling, skating, and ice skating. Such facility may also provide other regular organized or franchised events, such as children’s amusements, skateboard facilities, trampoline or gymnastics facilities, swimming pools, snack bar, restaurant, retail sales or related sports, health, or fitness items, and other support facilities.

“Animal Clinic (no outdoor pens)” means a facility where animals receive medical care and the indoor boarding of animals is limited to short-term care incidental to the hospital use.

“Animal Clinic (with outdoor pens)” means a facility where animals receive medical care and the indoor and/or outdoor boarding of animals is limited to short-term care incidental to the hospital use.

“Antenna” means a transmitting or receiving device used in telecommunications that radiates or receives radio signals

“Appeal” means an administrative procedure that requests relief from a decision by a designated hearing officer, commission, committee, or board.

“Applicant” means the person making application for a project review. See also “proponent.”

“Application” means:

- A. **Application in General.** A submission of materials that is required to be received by the City prior to commencing any action that results in the issuance of a permit or the granting of an approval or conditional approval. The contents of an application are a combination of the materials that are required by statute, materials that are specified in this title, and materials that may be required as a part of the City’s administrative process. A “petition” is also an application.
- B. **Complete Application.** An application shall not be considered complete until all the required materials have been received and verified as to content. A complete application includes the submittal of required maps, drawings and materials and the payment of all required fees.

“Architect” means an architect licensed by the State.

“Assisted Living Center” means residences that provide for semi-independent living. Such facilities may be: (1) equipped with studio or one bedroom apartments with limited kitchen facilities, generally designed for single occupancy; (2) contain central dining facilities where prepared meals are served to the residents; (3) employ full time nursing or medical assistance and supervision; and (4) may provide other additional services to residents.

“Automobile Parts Sales (Indoor)” means an indoor area enclosed within a structure by walls and a roof overhead used for storage, display or sale of new or used vehicle parts.

“Automobile Parts Sales (Outdoor)” means an outdoor area on private property larger than 1,000 square feet used for storage, display or sale of new or used vehicles parts.

“Automobile and Equipment Sales” means an area, other than the right-of-way or public parking areas, used for display, sale, or rental of new or used vehicles and equipment in operable condition.

“Automobile Repair” means repair to passenger vehicles, light and medium trucks and other motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

“Automobile Sales, Small Dealership” means a a business specializing in the sale of a limited number of new and/or used vehicles, with no more than three vehicles displayed outside at any one time and with no more than a total of eight vehicles stored on-site at any given time. A small dealership may be permitted as an accessory use to a related business on the same property and under the same ownership. All vehicles displayed shall be in operable condition.

“Automobile Service” means service to passenger vehicles, light and medium trucks and other motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer waits on-site while the service is being performed.

“Automobile Use Area” means an area used for the loading, circulation, access, storage or display of motor vehicles. Designated off-street parking spaces or spaces on public or private streets shall not be considered vehicular use areas.

“Back-Out Parking” means a parking configuration that requires vehicles to maneuver directly from the parking space onto a public street without a driveway.

“Basement” means a portion of a building partly below ground and not having more than half of its height above the level of the adjoining ground.

“Bed and Breakfast” or Bed and Breakfast Inn means an owner-occupied private single-family residence in which one to five rooms are rented for overnight lodging to travelers, and where breakfast is provided to guests only at no additional cost. The B&B operator must occupy the dwelling as their primary personal residence. The length of stay cannot exceed 30 consecutive days.

“Beekeeper” means a person who owns or has charge of one or more colonies of bees.

“Beekeeping Equipment” means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

“Behavioral and Mental Health Receiving Center” means a 23 hour nonsecure program or facility that is responsible for, and provides mental health crisis services to, an individual experiencing a behavioral or mental health crisis. A Behavioral and Mental Health Receiving Center may provide on-site, long term, short term or transitional housing for individuals needing a supportive living environment due to emotional, psychological, developmental, or behavioral dysfunctions or impairments. Supportive housing shall be designed and integrated into the overall site design as an accessory use. Stand-alone housing without a receiving center is not permitted.

“Berm” means a linear earthen mound.

“Block” means a unit of land bounded by streets or a combination of streets, public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

“Block Frontage” means all of the property fronting on a street that is between intersecting streets, or that is between a street and a water feature, or end of a dead end street.

“Boarding House, Lodging House” means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided. A lodging house is a boarding house in which meals are not provided. The length of stay in a boarding house or lodging house is 30 or more days.

“Boundary Line Adjustment” or **“Lot line adjustment”** means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record.

“Buildable Area” means that portion of an existing or proposed lot that is free of building restrictions. For the purpose of this ordinance, a buildable area does not contain any setback areas, easements, and similar building restrictions, and cannot contain any land specified in §17.24.010.

“Building Footprint” or **“Building Coverage”** means the portion of a site covered by buildings or other roofed structures, including eaves. “Building Coverage” also means “building footprint.”

“Building” means a structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

“Building Line” means a line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site.

“Bus Passenger Station” means those facilities at selected points along transit routes for passenger pickup, drop-off, and waiting.

“Caregiver” means a person, either paid or voluntary, who helps the elderly, disabled or otherwise incapacitated with the functions of daily living, health care, financial matters, guidance, companionship and social interaction. A caregiver can provide more than one aspect of care.

“Cart Corral” means an area designated within a parking lot where persons place shopping carts, dollies, hand trucks, pallet jacks, and other similar equipment.

“Car Wash” means a building or premise used for washing motor vehicles.

“Certificate of Approval” means certification language as required by this title and Utah Code incorporated onto any deed or instrument creating a new lot by metes and bounds description or other such description.

“Chief Executive Officer” means the elected Mayor of the City of Logan.

“Club (private)” means a building, or portion thereof, used by a group of people organized for recreational activities or to pursue common goals, interests, or other similar activities, usually characterized by certain membership qualifications and entry payment and/ or fees.

“Cluster Development” means a cluster or compact subdivision.

“Colleges” means an independent institution of higher learning offering general studies leading to a degree; a part of a university offering a specialized group of courses; or an institution offering instruction usually in a professional, vocational, or technical field.

“Commercial Day Care” means Day Care and preschool uses providing care, protection and supervision for 17 or more children or adults on a regular basis away from their primary residence for less than 24 hours per day. (See also Family Day Care and Family Group Day Care).

“Common Area” means lands, structures, infrastructure, or facilities within a project that is owned in undivided interest by the property owners, a condominium association, or other entity in common.

“Community Center” means a building used for recreation, social, educational, or cultural activities, open to the public or a designated part of the public, and generally owned and operated by a public or nonprofit group or agency.

“Community Service” means a use of a public, a nonprofit, or a charitable nature providing a local service to people of the community. Generally, the service is provided onsite or there are employees at the site on a regular basis. The service is always ongoing and not for special events. The use may provide special counseling, education, or training of a public, nonprofit or charitable nature. “Community service” does not include facilities or uses which house or serve adjudicated youth offenders, proctor homes, group homes serving as transitional facilities for criminally convicted persons, or other group homes as defined by State or Federal law or regulations (see “group home”). “Community service” does not include homeless shelters, homeless resource centers, or behavioral health receiving centers. A warming center that provides temporary, seasonal, overnight refuge during the winter months, or a facility that provides temporary housing for domestic violence survivors or victims are considered a “community service” as defined in this Chapter.

“Condominium” means a building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

“Convenience Store” means a retail establishment of up to 5,000 square feet selling petroleum products as well as food products, household items, newspapers and magazines, candy, and beverages, and limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Critical Lands” means any land that is recognized by the City, to have physical, environmental, or aesthetic characteristics that provide a public benefit or health or safety hazard that overrides the right to develop that portion of property.

“Dancehall or Nightclub” means a business selling liquor and meals and in which music, dancing, or entertainment is conducted.

“Daycare” means those uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day, unless approved by Conditional Use Permit.

“Days” means calendar days, unless specifically stated as working days.

“Decision-Making Body” means a person or group authorized in the Land Development Code to conduct land use reviews and take action on the matter under review.

“Density” means the number of dwelling units per acre of land area. Density may also be expressed as the amount of land area per dwelling unit. Unless otherwise stated, any reference to density means “gross” density calculation. Density is calculated as a factor of number of units ÷ acreage. For example, a project containing 20 units located on 5 acres has a gross density of 4 units per acre ($20 \div 5 = 4$) (See also “Gross Buildable Acre”). In the Campus Residential zone, density may also be expressed as occupants per

acre through an alternative review process (CUP) and in compliance with minimum standards in Section 17.07.110.

“Department” means the Department of Community Development. Other departments, divisions, or agencies are referenced by name.

“Detention Facilities” means those types of facilities designed to detain incarcerated individuals who are awaiting trial but who were not granted the ability to bond out by the court, or who have been unable to meet bond requirements. Detention facilities may also be used for individuals who are ordered to serve certain types of shorter sentences.

“Development” means the alteration of the land surface by:

- A. Grading, filling, cutting or other earth-moving activity involving more than fifty cubic yards on any lot;
- B. The removal of three or more living trees of over six inch caliper or the removal of five percent of the total number of living (or dead) trees over six inch caliper, whichever is greater, on any lot within any one calendar year;
- C. Construction of a building, road, driveway, parking area, or other structure; or
- D. Culverting of any stream.

“Diameter Breast Height (DBH)” means the diameter of a tree measured at 4.5 feet above grade.

“Director” means the Director of Community Development of the City of Logan or the Director’s designee.

“Discretionary Approval” means an action of the City that may be approved, conditionally approved, or denied at the discretion of the decision-making body upon making appropriate findings or utilizing adopted standards or policies.

“Discretionary Permit” means a permit issued by the City when the City has the discretion to approve the permit as requested, approve it in a modified form with conditions or other changes generated by application review, or to deny the permit on the basis of reasons or findings of fact.

“Dormitories, Fraternities, Sororities” means a building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery or similar institutional use.

“Dripline” means the natural outside end of the branches of a tree or shrub projected vertically to the ground.

“Driveway Approach” means the portion of a right of way located between the outside edge of a street and an adjacent property and which is used or designated for vehicular passage. Also referred to as a curb cut.

“Drought-Tolerant Vegetation” means trees, shrubs, groundcovers and other vegetation, excluding prohibited or controlled species, which is classified as very or moderately drought-tolerant in accepted horticultural or landscaping publications.

“Dwelling Unit” means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of the occupants.

“Dwelling Unit, Primary” means a detached, single family dwelling that is occupied as the primary residence of the owner of record.

“Electric Fueling Facilities (no petroleum)” means a use where electric vehicles are able to be recharged either in conjunction with another primary use or as a stand-alone charging station.

“Entertainment Event, Major” means activities or structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. A “major” event includes a structure with more than 10,000 square feet of assembly area or an anticipated attendance of more than 300 people.

“Entertainment Event, Minor” means activities or structures that draw large numbers of people to specific events or shows. A “minor” event includes a structure with less than 10,000 square feet of assembly area and/or an anticipated attendance of less than 300 people. Included in this category are reception centers, banquet halls, event centers, etc., containing less than 10,000 square feet of assembly area.

“Essential Views” means the critical visual landforms, including city ridgelines, views of Logan's many unique geologic and agricultural features, and the existing landscape fabric of the city's hillside areas.

“Engineer” when referring to a City decision maker, means the City Engineer.

“Family” means persons related by blood, adoption, marriage, legal guardianship, or similar legal relationship, or two unrelated persons and their children living and cooking together as a single housekeeping unit.

“Family Daycare (1-8 Clients)” means those uses providing care, protection and supervision for 1 – 8 children or adults on a regular basis away from their primary residence for less than 24 hours per day, unless approved by Conditional Use Permit.

“Family Group Daycare (9-16 Clients)” means those uses providing care, protection and supervision for 9 – 16 children or adults on a regular basis away from their primary residence for less than 24 hours per day, unless approved by Conditional Use Permit.

“Fitness Center” means an establishment providing space for health and fitness activities, including but not limited to, aerobic exercises, running, jogging, exercise equipment, game courts, swimming facilities, yoga, saunas, showers, massage rooms, and lockers.

“Flood Hazard: Appeal” means a request for a review of the City engineer’s interpretation of any provisions of this chapter or a request for a variance.

“Flood Hazard: Area of Special Flood Hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

“Flood Hazard: Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Flood Hazard: Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“Flood Hazard: Existing Manufactured Home Park or Manufactured Home Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.

“Flood Hazard: Expansion to an Existing Manufactured Home Park or Manufactured Home Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood Hazard: Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of ponds, lakes, streams, rivers or other watercourses onto adjacent lands.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Hazard: Flood Insurance Rate Map (FIRM/Flood Insurance Study)” means the official map on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zoning districts applicable to the community and official report provided by the Federal Emergency Management Agency. It includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

“Flood Hazard: Floodway” means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Flood Hazard: Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

“Flood Hazard: Manufactured Home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers unless the same are placed on a site for greater than one hundred eighty consecutive days.

“Flood Hazard: New Construction” means structures for which the start of construction commences on or after the effective date of the ordinance codified in this chapter.

“Flood Hazard: New Manufactured Home Park or Manufactured Home Subdivision” means a parcel (or contiguous parcels of land) divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.

“Flood Hazard: Start of Construction” means the first placement of permanent construction of a structure (other than a manufactured home) on a site, which as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent construction, such as the pouring of slabs, pilings, footings, etc. For manufactured homes not within a manufactured home park or manufactured home subdivision, “start of construction” means the affixing of the manufactured home to its permanent site.

“Flood Hazard: Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Flood Hazard: Substantial Improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure.

“Flood Hazard: Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. Such variances are to be reported to the Federal Emergency Management Agency upon request.

“Floodway Channel” the area as defined in the Flood Insurance Rate Study for Logan City, published by the Federal Emergency Management Agency.

“Floor Area Ratio (FAR)” means the gross floor area of a primary building, divided by the lot area of the lot on which the building is placed.

“Floor Area, Gross” means the total square footage within a structure calculated by using the measurements from the exterior walls.

“Garden Shop” means the growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and subsidiary products to the general public.

“Garage” means a structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents of the residential building and is not a separate commercial enterprise available to the general public. *Note: A former garage that has been converted from an accessory building (example: the garage door has been removed or the building has been divided into rooms) is not considered a garage for purposes of this chapter.*

“Gasoline Service Station” means an establishment providing service to passenger vehicles, light and medium trucks and other motor vehicles such as motorcycles, boats and recreational vehicles, and includes a retail establishment of up to 5,000 square feet selling primarily petroleum products, vehicle related products and services, food products, household items, newspapers and magazines, candy, and beverages, and limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Gateway” means an entrance to the Logan area which transitions from generally rural, agricultural, or undeveloped areas into the urban City limits.

“General Plan” means a document adopted by the Municipal Council meeting the provisions of Utah Code Sections 10-9-301 and 10-9-302.

“Geologically Unstable Areas” means areas that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), in proximity to Quaternary Faults, susceptible to debris flows, containing soils unsuitable for development, and susceptible to a high water table.

“Grade, Average Finished” means the average between the highest and lowest elevation of the ground abutting the street walls of a structure, existing, or as shown on the construction plans.

“Grandfathering” means a colloquial term used to refer to legally existing nonconformities.

“Grocery Store” means an establishment primarily retailing of food items.

“Gross Buildable Acre” means that portion of property, represented in terms of acreage, which contains no critical lands, building or development encumbrances, or any other natural, regulatory or legal restriction from development or placement of buildings or structures.

“Groundcover” means plants, generally not exceeding an average maximum height of 24 inches at maturity.

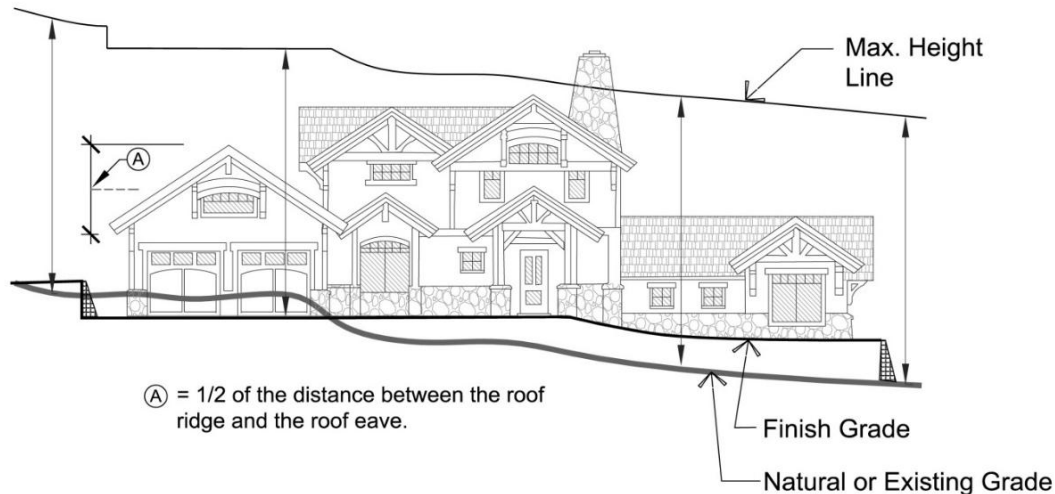
“Group Home” means the long term residential occupancy of a structure by a group of people who may be unrelated to one another and who together may otherwise exceed the maximum occupancy by unrelated individuals that is allowed in a dwelling unit and where a caregiver may or may not be on-site for purposes of providing medical and physical assistance due to age and/or disability of the tenant(s). A group home does not include a homeless shelter.

“Gully” means a drainage incision, commonly caused by erosion, which does not experience regular or seasonal stream flow, but does act as a channel for runoff during periods of high rainfall.

“Hedge” means a landscape barrier consisting of a continuous, dense planting of shrubs.

“Height, Building” means the maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower, to a point $\frac{1}{2}$ of the distance between the roof ridge and the roof eave for a sloped roof, or the top of the parapet for a flat roof. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, towers, or other similar elements, are not considered part of the height of a building. To measure the maximum allowed height of the structure, project that distance from natural or finished grade, whichever is lower, as shown. Figure 17.62.A shows how the maximum building height limitation applies in the single family residential zones. The same concept applies to all zones, but with different height limits.

Figure 17.62.A: Determining Building



“Height, Floor” means that portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the topmost story shall mean that portion of a building included between the upper surface of the topmost floor and the ceiling above.

“Height, Structure (other than building)” means the vertical distance measured from “Average Finished Grade” to the highest point of the structure.

“Historic Preservation Committee” means the committee appointed by the Mayor for duties specified in Logan Municipal Code Chapter 2.32.

“Home Occupation” means any activity carried out for gain or requiring a business license by a resident and which is conducted as a customary, incidental, and accessory use in the resident’s dwelling unit. A home occupation is owned and run by a resident of the dwelling in which the business takes place.

“Homeless Person” means a person without permanent housing.

“Homeless Resource Center” means an establishment in which co-located supportive services such as sleeping, bath, eating, laundry facilities, and house case management is provided on an emergency basis for individuals experiencing homelessness. Additional services may include preparation and distribution

of food; medical care and treatment; behavioral and mental health counseling; education instruction; and vocational training.

“Homeless Shelter” means an establishment in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness. A “homeless shelter” is different than a “warming center” as it is not tied to temporary, cold weather/winter conditions.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

“Hotel” means a facility offering transient sleeping rooms and providing additional services within the same building, such as restaurant(s), conference or meeting rooms, banquet facilities, and full guest services, such as room service or a gift shop.

“Household” means a housekeeping unit living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

“Housing Types”

- A. **“Courtyard House (attached)”** means a group of attached dwelling units arranged to share one or more common courtyards. The dwelling units may be accessed from the street and/or the courtyard.



- B. **“Courtyard House (detached)”** means more than one detached house arranged around a shared courtyard, with pedestrian access to the building entrances from the courtyard and/or street. Courtyard houses may be on individual lots or all units on the same lot.



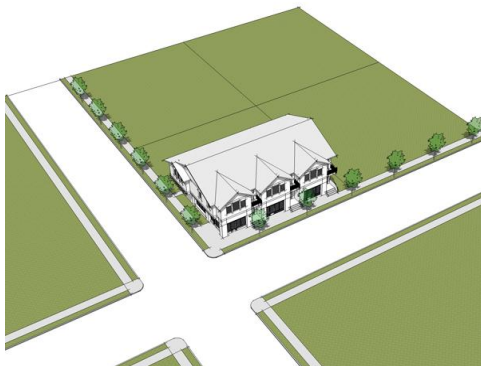
- C. **“Front Yard House (attached)”** means a dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units, and is accessed through a front yard. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a “townhouse” or “townhome.”



- D. **“Front Yard House (detached)”** means a dwelling unit located on its own lot that is not attached to any other dwelling unit. A front yard house is accessed through the front yard.



- E. **“Live-Work”** means an integrated dwelling unit and working space, occupied and utilized by a single household in a structure, either single or multi-dwelling that has been designed or structurally modified to accommodate joint residential occupancy and work activity at the ground floor.



- F. **“Manufactured Housing Unit”** means a dwelling unit constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.



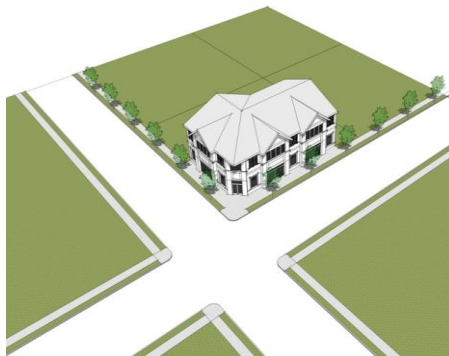
- G. **“Multi-Dwelling (attached)”** means a structure that contains two, three, or four dwelling units on one lot that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling attached is also commonly known as a duplex, triplex or Fourplex.



- H. **“Multi-Dwelling (stacked)”** means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwellings include structures commonly called apartments and condominiums.



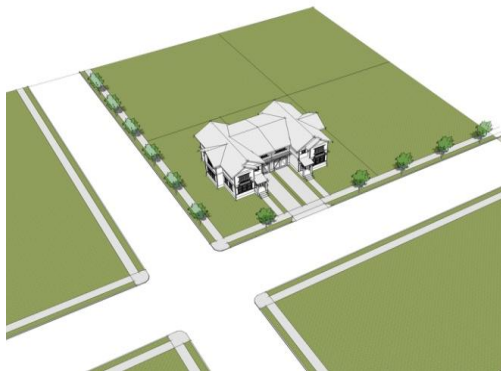
- I. **“Neighborhood Center”** means a building designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for dwelling units.



- J. **“Townhouse”** means a dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units, and is accessed through a front yard. A townhouse does not share common floor/ceilings with other dwelling units.



- K. **“Twin home”** means a structure that contains two dwelling units with common walls or abutting walls, each located on its own lot. Twin homes are often created by subdividing a single duplex into two separate lots, each of which contains one dwelling unit. A Twin home is an “Attached house.”



“Impound and Tow Lot” means a parcel of land or a building that is used for the temporary storage of motor vehicles usually awaiting insurance adjustment, transport to a repair shop, or to be claimed by titleholders or their agents, and where motor vehicles are kept. Permanent storage of vehicles is not permitted with this use.

“Industrial Service” means those firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Industrial Service includes:

- A. **“Contractor Supply Store”** means the retail or wholesale sale and distribution of goods supporting the contractor, construction or similar trade, with no outdoor storage, either temporary or permanent.
- B. **“Contractor Supply Store with Outdoor Storage”** means the retail or wholesale sale and distribution of goods supporting the contractor, construction or similar trade, with limited outdoor storage, either temporary or permanent.
- C. **“Industrial Machinery Storage, Sales and Repair”** means the repair or servicing of business or consumer machinery, equipment, products or by-products.
- D. **“Petroleum Products Storage”** means storage facilities either above or below ground containing one hundred (100) gallons or more of petroleum product(s). Home heating petroleum storage is exempt.

“Infill Lot” means an undeveloped parcel located within an area where most of the surrounding parcels are already development.

“Inner Block Development” means development located in the interior portion of a block.

“Irrigation” means a system of to convey water to all landscaped or agricultural areas.

“Institutions of Higher Learning” means those facilities providing a level of education at the collegiate-level such as academies, universities, colleges, seminaries, institutes of technology, vocational schools, career colleges, and certain other collegiate-level institutes.

“Kennel” means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

“Kennel, Daily Boarding” means a commercial establishment in which dogs or domesticated animals are kept daily with no overnight boarding for a fee.

“Lands above 4,850” means residential building lots located on the eastern bench of Logan City at an elevation at or above 4,850’ mean sea level.

“Land Area” means the total area of a lot lying within the lot lines and not including any portion of a street or right-of-way.

- A. **“Land Area, Gross”** means the size of a lot or parcel of land prior to subdivision or dedication of road rights-of-way, or other rights-of-way.
- B. **“Land Area, Net”** means that land available for development after the area allocated for roads or rights-of-way is deducted from the gross land area.

“Lands Set Aside” means an area of land, exclusive of critical land, that is intended for the use and enjoyment of the occupants of the property or if publicly owned, for the enjoyment and use by the citizens

of Logan. Set Asides are required as condition of approval on development specified herein and are intended to further the health, safety, welfare of the citizens of Logan, its visitors, and workers.

“Land Use Appeal Board” shall mean a three (3) person board appointed by the Mayor, with advice and consent of the City Council, to decide an appeal or request of a land use decision by a Land Use Authority including a request for a variance under Title 10, Chapter 9a, Part 7 of the Utah Code.

“Land Use Authority” shall mean the Planning Commission, the Historic Preservation Committee, the Community Development Director, or a staff member of the Community Development Department, when making any order, requirement, decision or determination in the enforcement of the Logan Land Development Code, the Logan Municipal Code, or any other land use related local or state regulation.

“Landscape Strip” means the area between the property side of the curb and the property line that is within the public street or right-of-way upon which landscaping, including groundcover and trees, is planted.

“Landscaping” are those areas that contain a combination of materials including, but not limited to, grass, groundcover, shrubs, vines, hedges, plants, or trees. Landscaping generally excludes sand, gravel, paved areas or other hardscapes unless approved as a component of a landscaping plan by Logan City.

“Lawn” means an area of maintained turf or grass.

“Light Manufacturing” are those manufacturing processes that do not emit detectable dust, odor, fumes, or gas beyond the boundary of the property of noises above the ambient level.

“Loading Area” means the area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

“Lodging” means a generic term for accommodations, such as motel or hotel (See “accommodations”).

“Lot” means property that has been legally subdivided with appropriate City approvals on which development may occur.

- A. **“Corner Lot”** is a lot abutting two or more streets at their intersection.
- B. **“Interior Lot”** is a lot other than a corner lot.
- C. **“Through Lot”** is a lot, other than a corner lot, having frontage on two parallel or approximately parallel streets.

“Lot Coverage” means the percentage of a lot covered by all building footprints.

“Lot Depth” means the horizontal distance between front and rear lot lines measured at the mid-point between the two side lot lines.

“Lot Lines” means the property lines delineating the boundaries of a lot as follows:

- A. **“Corner Lot Line”** is any lot lines that abut a street on a corner lot. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line may include front lot lines and street side lot lines.
- B. **“Front Lot Line”** is a lot line that abuts a street. On a corner lot, the front line is the property line from which the main entrance to the structure is located. If two or more street lot lines are of equal length, then the applicant or property owner may choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

- C. **“Interior Side Lot Line”** is any lot line except a front or rear lot line. On a corner lot, the longer lot line that abuts a street, is a street side lot line.
- D. **“Rear Lot Line”** is any lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.
- E. **“Street Side Lot Line”** is a lot line that is both a side lot line and a street lot line.
- F. **“Street Lot Line”** is a lot that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line may include front lot lines and side lot lines.

“Lot of Record” means a lot that was legally created before any amendment to the Land Development Code.

“Lot Width” is the distance between two side lot lines as measured at the midpoint between the front and rear lot lines.

- A. **“Average Lot Width”** is the average horizontal distance between side lot lines
- B. **“Minimum Lot Width”** is the narrowest point between side lot lines.

“Machine or Welding Shop” means a workshop where tools are used to for making, finishing, cutting, and connecting products or parts.

“Maintenance for Buildings” means the practice of fixing mechanical, structural, or electrical problems and performing routine actions which keep a building in good condition and working order. Grounds keeping and maintenance may be included as secondary to this service.

“Manufacturing, Assembly or Production” are those firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or by order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

“Micro Living Units” means housing units that are less than 400 square feet in size, are restricted to occupancy of no more than two persons, are typically comprised of one or two rooms, include a bathroom and cooking facilities, and house individuals or households with incomes at or below 30 – 80% of the Area Median Income in at least 75% of the units.

“Mineral Resource Production, Processing & Storage (Mining)” is the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases.

“Mixed-Use” means the combination on a site of residential uses with commercial or industrial uses.

“Mobile Home Sales” means an area, other than the right-of-way or public parking areas, used for display, sale, or rental of new or used mobile or manufactured homes.

“Monopole” means a single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors that acts as the support structure for antennas.

“Mortuary” means a place for the storage of human bodies prior to autopsy, burial, or release to survivors.

“Motel” means an establishment providing sleeping accommodations and limited support services, such as no room service, no in-facility eating establishment, and limited amenities. Motels tend to be no more than three stories high, but may be higher (See also §17.62 “Accommodations” and §17.62 “Hotel”).

“Mulch” means nonliving organic material customarily used in landscape design to retard erosion and retain moisture.

“Multi-Family” means two or more attached residential dwelling units on a single parcel of land.

“Mural” means a painting applied to and made integral with the surface of a wall or ceiling. A mural is different than a wall sign in that a mural doesn’t not have any advertising, promotional content, signage, logos, or other commercial content or graphics.

“Neighborhood Character” means an area of the community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as a river or canal.

“Nonconforming Lot” is defined as follows:

- A. **“Legally Existing Nonconforming Lot”** is a lot or parcel that was lawful and conforming to regulations prior to the adoption, revision, or amendment of Logan Municipal Code Titles 16 and 17 prior to the adoption, revision, or amendment of this Title, and by reason of the adoption, revision, or amendment does not comply with the regulations of the zoning district in which it is located. A legally existing lot shall also have been divided or subdivided in conformance with the provisions of the Utah Municipal Land Management and Development Act or Title 16 of the Logan Municipal Code.
- B. **“Illegally Existing Lot”** is a lot or parcel that was created without compliance with requirements of the Utah Municipal Land Management and Development Act or Title 16 of the Logan Municipal Code, or lots created without compliance with Title 17 of the Logan Municipal Code.

“Nonconforming Sign” is defined as follows:

- A. **“Legally Existing Nonconforming Sign”** is a sign that was lawful and conforming to regulations prior to the adoption, revision, or amendment of this Title, and by reason of the adoption, revision, or amendment does not comply with the use regulations of the zoning district in which it is located.
- B. **“Illegally Existing Sign”** is a sign that was established without compliance with regulations in effect at the time it was erected or was erected without a permit.

“Nonconforming Structure”

- A. **“Legally Existing Nonconforming Structure or Building”** is a building or structure, the size, dimensions, or location of which was lawful and conforming to regulations prior to the adoption, revision, or amendment of this Title, and by reason of the adoption revision, or amendment does not comply with the use regulations of the zoning district in which it is located.
- B. **“Illegally Existing Building or Structure”** is a building, structure, or sign that was not in compliance with zoning, building, or planning regulations in effect at the time it was constructed or erected.

“Nonconforming Use”

- A. **“Legally Existing Nonconforming Use”** is an activity located on any land, or within building or structure that was lawful and conforming to regulations prior to the adoption, revision, or amendment of this Title, and by reason of the adoption revision, or amendment does not comply with the use regulations of the zoning district in which it is located.

- B. **“Illegally Existing Use”** is the use of any building or structure for which no permit was obtained, which has not complied with the use regulations of the zoning district in which it is located, or was not established in conformance with regulations of the City at the time the use was established.

“Nonconformity” means a use, sign, structure, lot, or other situation that does not comply with currently applicable regulations of Title 17 of the Logan Municipal Code. A nonconformity may be legally existing or illegally existing as further defined in this section.

“Nursing Home, Convalescent Home” means a long-term facility or a distinct part of a facility licensed or approved as a nursing home or convalescent home, infirmary unit of a home for the aged, or a governmental medical institution.

“Occupancy” means the use of a dwelling unit or any portion thereof for living and sleeping purposes by a person or family acting in any of the following capacities:

- A. as the owner of the unit;
- B. as a tenant under an express or implied lease or sublease of the unit or of any portion thereof; or
- C. as a guest or invitee of the owner, property manager, lessee or sublessee of the unit, if such guest or invitee stays overnight at the unit for a total of thirty (30) or more days within any twelve-month period of time.

“Occupancy Limits, Residential” means the number of persons legally allowed to occupy a residential dwelling unit for living and sleeping purposes shall be either:

- A. One (1) family as defined in this Chapter *and* not more than one (1) additional person; or
- B. No more than three (3) individuals.

“Official Map” is defined as follows:

- A. **“Official Transportation Map”** includes the street and transportation maps within the General Plan, the street maps within the City of Logan “Transportation Master Plan,” and the street maps within any plans prepared by the Cache Metropolitan Transportation Organization. This map of proposed streets also has the legal effect of prohibiting development of the property until the municipality develops the proposed street.
- B. **“Official Zoning Map”** is the map enacted by the Municipal Council identifying the location of all zoning districts as applied to lands within the City of Logan.

“Office (General Business, Government, Professional Medical or Financial Services)” is a building, or portion of a building, used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. The following are types of office uses:

- A. **“Bank, savings and loans, or credit union”** is a financial institution that accepts deposits and channels money into lending activities.
- B. **“Clinic, medical, dental, or optical”** is a business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/ or clients. A medical office does not include an overnight care facility for humans.
- C. **“Laboratory, scientific or research”** is a workplace for the conduct of scientific research which offers opportunities for observation, practice, and experimentation.
- D. **“Wholesale office”** is an area used for conducting the affairs of a business in the sale of goods in large quantities, as for resale by a retailer.

“Off-Site Improvements” means the construction of public facilities or public improvements that are not located on the parcel under development.

“On-Site Improvements” means the construction of public facilities or public improvements and access within the boundaries of a lot proposed for development.

“Open Space” is an area of land or water that may be used for passive or active recreation, agriculture, conservation, landscaped areas, preserves of the natural environment, scenic land, and/or other use that is of a suitable size, topography, location, and shape to permit the activities for which it is intended as determined by the Planning Commission.

“Parcel” same as “Lot.”

“Parking Area” means any public or private area, under, above, or outside a building or structure, designed and used for parking motor vehicles. Driveways, private garages, parking lots, private driveways may be part of parking areas.

“Parking Bridge” means a structure typically spanning an irrigation gutter or similar feature allowing vehicles to travel from the pavement of a street onto a parking area or private property.

“Parking, Commercial” is a privately-owned area that provides temporary storage of motor vehicles where a fee is charged. Private parking is provided off-street and the primary use of the property is commercial parking not accessory to a primary use. The surface of a commercial parking facility is paved with a bituminous or concrete surface. Commercial parking may be at ground level or within a multi-level structure.

- A. **“Recreational vehicle and vehicle storage”** means a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed for recreational and camping purposes.
- B. **“Truck Storage (outdoor)”** means any lot or parcel of land upon which an outdoor site is located, established, or maintained for occupancy by an automotive vehicle suitable for hauling.

“Parking Space” means a hard-surfaced area for short-term storage of vehicles.

“Parks” means areas consisting mainly of vegetative landscaping, outdoor recreation, community gardens, public squares, pathways, recreational facilities, or natural areas.

“Passenger Terminals” are designated area where transfers between modes of transportation take place.

“Air Passenger Terminal” means facilities designed for the landing and takeoff of flying equipment, arrival and departure of vehicles, including loading and unloading areas for passengers, cargo, or freight.

“Paved Area” means an uncovered hard surfaced area or an area covered with a perforated hard surface (such as “grasscrete”) that may withstand vehicular traffic or other heavy impact uses. Gravel covered areas are not considered paved areas.

“Pawn Shop” means an establishment in the business of offering secured loans to people, with items of personal property used as collateral. The business may also sell items that have been sold outright by customers to the pawnbroker or secondhand dealer.

“Performance Standard” means a regulation, quantity, timing requirement, or other requirement of this Title for which the code identifies an objective or measure to be achieved or accomplished but allows the

decision-makers or project applicant the flexibility to propose the means by which the requirement will be successfully achieved.

“Person” means any person, partnership, association, limited liability corporation, or corporation.

“Personal Custom Services (Tailor, Milliner)” means an establishment providing services such as to alter and repair made-to-measure clothing, dresses, coats, hats, shoes, and other garments.

“Pet Services” means an establishment in the business of sales, grooming, training, play, or pet day care services of small, domesticated animals including dogs, cats, birds, reptiles, rodents or similarly sized animals for the purpose of being household pets. Does not include overnight boarding or animal breeding.

“Planning Commission” means the seven-member body appointed by the Mayor as authorized in Logan Municipal Code Chapter 2.40.

“Plat” means the official map approved by the City, prepared for recordation showing the boundaries of the subdivision, the location of lots, easements, streets, common areas, and upon which are affixed required signatures, notes, and other such inscriptions as required by conditions of project approval.

“Preliminary Plat” means a draft or proposed map of a subdivision presented to the City for review and action.

“Prescriptive Standards” means a regulation, quantity, timing requirement, or other requirement of this Title for which the code specifies or prescribes what must be accomplished or achieved.

“Primary Structure” means a structure or combination of structures of chief importance or function on a site. Usually, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on a site. Garages are an accessory use.

“Primary Use” means an activity or combination of activities of chief importance on the site. A “Primary Use” is one of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

“Project” means any application, petition, or request for an action by the City that results in the issuance of a permit, approval or conditional approval of a development entitlement, or authorization by a City official, board, commission, committee, or council. Project also means the development on a particular area of land.

“Proponent” means a person who advocates on behalf of a project. A proponent may be the owner of the property or their representative such as a builder, developer, optional purchaser, consultant, or architect.

“Property Owner for Purposes of Mailed Notice” means the person who is shown on the County’s rolls as the record owner of a lot or parcel in the City of Logan. The “record property owner on the latest County rolls” means the person shown as an owner of record as of the time the property rolls were finalized for setting property tax bills. Generally, this means the property owner as of January first of a calendar year.

“Radio or Television Transmitting Station” means an establishment engaged in transmitting oral and visual programs to the public and which may consist of a studio, transmitter, tower, and antenna(s).

“Rail Lines” means railroad tracks used for the movement of trains or light-rail passenger cars.

“Recreation and Entertainment (Outdoor Facilities)” means those large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. Generally located outdoors, the uses are designed and equipped for the conduct of sports and leisure-time activities, and may include the following:

- A. **“Golf Course”** means a tract of land laid out and designed for the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.
- B. **“RV Park”** means any lot or parcel of land upon which a site is located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes, for a period not to exceed thirty (30) days.
- C. **“Non-vehicle Camping (Tents) in RV Park”** means a designated area within a Recreational Vehicle Park specifically established for occupancy by people with tents for sleeping and vacation purposes.
- D. **“Tent Campground”** means any lot or parcel of land upon which a site is located, established, or maintained for occupancy by people with tents for a fee for temporary vacation and recreational purposes.
- E. **“Miniature Golf Course and Accessory Recreation”** means a facility or tract of land designed for a miniature version of the sport of golf. This may include a dining establishment and snack bars or other subordinate features.

“Religious Institutions” means a structure or place that primarily provides a meeting area for religious activities and where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held; a church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

“Residential Facilities for the Elderly” means the City adopts the standards and definitions within the Utah Code.

“Residential Treatment Program” means a nonprofit or for-profit group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

“Restaurant” includes the following:

- A. **“Cafeteria”** means a restaurant in which patrons wait on themselves, food is displayed and served from counters, where it is then taken to their tables.
- B. **“Fast Food”** means a quick service restaurant characterized by its inexpensive food and minimal table service.
- C. **“General”** means an establishment where food and drinks are prepared, served, and consumed, mostly within the principal building.

“Retail Food Establishment (Mobile)” means a vehicle, normally and not limited to, a van, truck, towed trailer, or pushcart from which food or beverages are sold.

“Retail Sales” means businesses or other establishments engaged in selling goods of merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

“Retail Sales Establishment” means a business location engaged in retail sales which result in activities intended to attract the general public to buy including receiving and reselling goods, including process or

manufacture of products, such as baked goods or jewelry, provided that the two-thirds or more of the sales volume of the process or manufacture goods is sold on premises.

“Retail Sales (Outdoor)” means the display and sales of products or services primarily outside of a building or structure including vehicles, building materials, garden supplies, gas, food and beverages, boats and aircraft, farm equipment, recreation vehicles, building and landscape materials, and lumber yards.

“Retail Services” means an establishment providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate, insurance, personal service, motion pictures or video, amusement and recreation services, health, educational, and special services, museums, and galleries.

“Review Body” means a person or group authorized in the Land Development Code to conduct land use reviews and to act in an advisory capacity.

“Right-of-Way Access Permit” means a permit issued by the Department of Public Works to allow a private party revocable permission to work within or access from private property into the public right-of-way.

“Right-of-Way Parking Permit” means a permit issued by the Department of Public Works to allow a private party revocable permission to maintain parking spaces within the public right-of-way.

“Riparian” means an area associated with a natural water course including its wildlife and vegetation. As used in Chapter 17.24, “Riparian Area” means lands within 150 feet as measured from the Annual High Water Line (AHWL) of a stream or river draining a basin size greater than one square mile, and the land within 25 feet of centerline of a stream draining an area less than one square mile.

“Roof Line” means for those buildings with a pitched roof, the ridgeline of the roof. On buildings without a pitched roof, the roof line shall mean the top of the exterior wall elevation.

“Safety Service” means those uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.

“Sales and Service” means those firms involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

“Sales and Service (Large Footprint)” means those retail sales establishments in freestanding industrial-style buildings, typically one story, with floor areas greater than 100,000 square feet.

“Satellite Facilities” means any device designed for over-the-air reception of television broadcast signals, multi-channel multipoint distribution service or direct satellite service.

“School” means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. This definition is all encompassing and includes all types of schools, whether public, private, parochial, nonprofit, or for-profit.

- A. **“Elementary School”** means any school licensed by the State that meets the state requirements for elementary education.

- B. **“Parochial School”** means a school supported and controlled by a church or religious organization.
- C. **“Private School”** means any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.
- D. **“Public School”** means any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does secure the major part of its funding from taxes or any governmental agency.
- E. **“Secondary School”** means any school licensed by the state and that is authorized to award diplomas for secondary education.
- F. **“Vocational School”** means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

“Setback” means the distance that is required by the Land Development Code to be maintained in an undeveloped state between a structure and the property line of the lot on which the structure is located. The term “setback” refers to a required minimum distance while the term “yard” refers to the actual open area. Refer to Figures 17.62.B and 17.62.C.

- A. **“Corner Setback”** means the distance from the street side property line not designated as a “front setback” to the closest distance a structure may be located from the property line.
- B. **“Front Setback”** means the distance from the front property line to the closest point a structure can be constructed to the front property line.
- C. **“Side Setback (Interior)”** means the distance from the interior side property lines to the closest distance a structure may be located from the property line.
- D. **“Rear Setback”** the distance from the rear property to the closest distance a structure may be located from the property line.

“Shade tree” means a hardwood tree that reaches a mature height of at least 15 feet at maturity, provides relief from direct sunlight and is included in the permitted species list.

“Shed” means a permanent or temporary structure that is less than one hundred and twenty square feet in gross floor area, has no electricity or plumbing, and does not require a building permit. Any structure with electricity or plumbing requires a building permit and is defined as a structure. Any shed over 120 square feet is also defined as a structure.

“Shelter” means a building serving as a residence for designated persons or special classes of persons such as a homeless shelter or a transitional shelter, or a building serving as a temporary refuge such as an emergency shelter.

“Short Term Rental” means a temporary lodging or accommodations typically found in a residential dwelling for a fee for a rental period of less than 30 continuous days and excluding hotels, motels, or bed & breakfast establishments.

“Shrub” means a bushy, woody plant usually with several permanent stems, and usually not over ten (10) feet high at maturity and not less than eighteen (18) inches upon installation.

“Sight Distance Triangle” means the distance along public or private right-of-way as measured from the intersection of the curb (or where a curb would be located if there were a curb) to a distance along each street forty feet from the intersection as shown in Figure 17.62.D.1. A “Sight Distance Triangle” is also established for driveways and means the distance along a street and a driveway entrance as measured from the curb cut to a distance along both the street and the driveway for thirty feet as shown in Figure 17.62.D.2.

FIGURE 17.62.D.1: 40’ Sight Distance Triangle (Road)

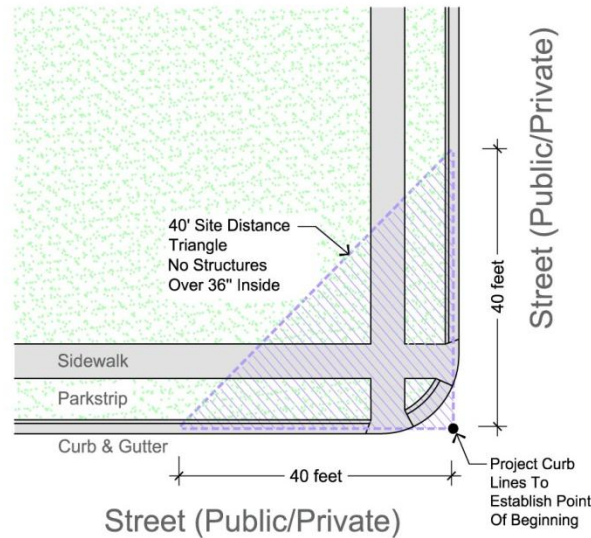
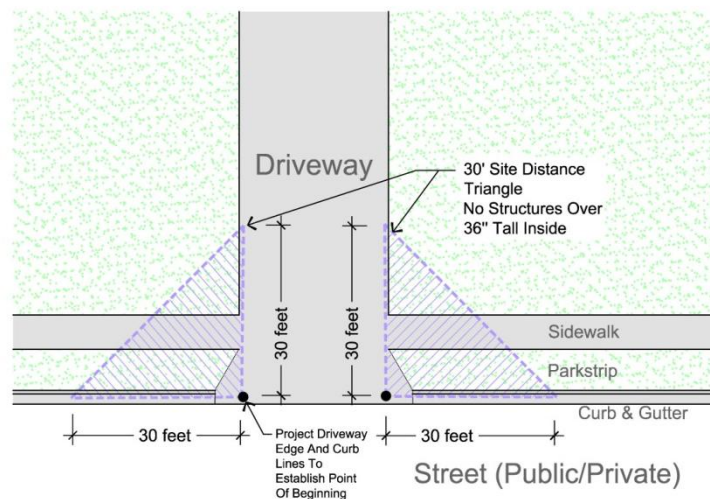


FIGURE 17.62.D.2: 30’ Sight Distance Triangle (Driveway)



“Sign” means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

17.62: Definitions

“Sign (Animated or Moving)” means any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Electronic message centers and visual broadcast centers are not classified as animated or moving signs.

“Sign Area” means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure (see also §17.33).

“Sign (Attention-Getting Device)” means attention-getting devices, including pennants, whirly-gigs, streamers, and other similar devices broadly defined to include triangular plastic flags attached to wires, ropes and strung between products, poles, light standards, or the ground. Whirly-gigs are generally plastic or wood devices that move in the wind or air currents. Other attention getting devices include streamers or colorful materials attached to buildings, vehicles, vehicle antennas, furniture, large products, light standards, or other supports.

“Sign (Awning, Canopy, or Marquee)” means a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

“Sign (Banner)” means a sign constructed on a soft, pliable, or flexible fabric or other material, generally cloth or vinyl, upon which the sign message is applied. Generally, banners are mounted by means of temporary supports, such as ropes or wires, through grommets or holes in the fabric material.

1. **“Commercial Banner”** means a banner that is erected by a business for purposes of attracting attention to products, services, activities, promotions, or events occurring on or at the location of the business.
2. **“Non-Commercial Banner”** means a banner that is erected by the City, a nonprofit organization, bona fide service club, school, religious institution, or bona fide club for purposes of promoting a specific event or activity open to the public.

“Sign (Bench)” means a sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a Public place or roadway.

“Sign (Billboard)” means a sign, land use, vehicle, trailer, or structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

“Sign (Building or Wall)” means sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

“Sign (Bulletin Board)” means a sign that identifies an institution or organization on the premises of which it is located, and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

“Sign (Business)” means a sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

“Sign (Cabinet)” means a sign enclosed and supported by a frame that is attached to a wall.

“Sign (Construction)” means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape

architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

“Sign (Directional)” means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit” or a sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including parking areas, circulation direction, rest rooms, and pickup and delivery areas.

“Sign (Directory)” means a sign listing the tenants or occupants of a building or group of buildings or project and that may indicate their respective professions or business activities.

“Sign (Face)” means the area or display surface used for the message.

“Sign (Freestanding)” means any permanent, immovable sign not affixed to a building.

“Sign (Governmental)” means a sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

“Sign (Holiday Decoration)” means temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with a national, local, or religious holiday.

“Sign (Home Occupation)” means a sign containing only the name and occupation of an appropriately licensed permitted home occupation.

“Sign (Illuminated)” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

“Sign (Inflatable)” means any display greater than six feet in height, including any tethering material, capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event. A display of six feet or less in height is defined as a balloon.

“Sign (Memorial)” means a sign, tablet, or plaque memorializing a person, event, structure, or site.

“Sign (Menu Board)” means a sign that displays items for sale at a drive-through window.

“Sign (Message)”

1. **“Commercial Message”** means any message proposing a commercial transaction or related to the economic interests of the speaker and its audience.
2. **“Non-Commercial Message”** means any message which is intended for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement or promotion of any product, service or the identification of any business.

“Sign (Electronic Message Center)” means signs with alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated and

changeable segments. Signs with informational content that can be changed or altered by means of computer driven or electronically created impulses.

“Sign (Manual Message Center)” means signs with alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface changed by manual means, such as and not limited to removing and replacing messages by changing individual letters.

“Sign (Monument)” means any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

“Sign (Painted)” means a sign that is painted directly onto the wall of a building or structure without a physical structure or frame and does not meet the definition of “wall art” (Refer to "Wall Art").

“Sign (Pole)” means a sign that is mounted on a freestanding pole or other support.

“Sign (Political)” means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

“Sign (Portable)” means a sign that is not permanent, affixed to a building, structure, or the ground.

“Sign (Perpendicular)” means a sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.

“Sign (Reader Board)” See “Sign (Manual Message Center).”

“Sign (Real Estate)” means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

“Sign (Roof)” means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

“Sign (Temporary)” means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

“Sign (Vehicle)” means a sign on a vehicle not customarily and regularly used to transport persons or properties.

“Sign (Window)” means logos, graphics, or advertising copy attached to or painted on a window.

“Single Family” means one family as defined in this chapter (Refer to §17.62“Family”).

“Site Plan” means a development plan or drawing which contains information required by the City intended to show existing and proposed site conditions, and other information necessary to obtain a permit or other approval.

“Sketch Plan” means a draft, rough, or conceptual drawing that expresses the general location of site development features, buildings, or other changes to the site that is prepared in order to obtain preliminary comments or address issues associated with the proposed development of a site. Sketch plans are prepared in advance of the expense required to prepare a full site plan.

“Storage (Outdoor)” means the use of open areas of the lot (except the front yard) for storage of items used for non-retail or industrial trade, merchandise inventory, bulk materials such as sand, gravel, building materials, and landscaping materials. Outdoor storage shall also include contractors’ yards or recycling areas.

“Storage (Commercial or Self-Service)” means uses providing separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

“Storage Warehouse” means a building used primarily for the storage of goods and materials.

“Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it then the space between such floor and the ceiling next above it; not including cellar or basement.

“Story (Half)” means a story under a gable or hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

“Street” means public right-of-way, including highways, avenues, boulevards, parkways, roads, lanes walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways. The public right-of-way shall also include the planting strip, sidewalk, curb, and gutter.

“Structure” has the meaning as defined in the current adopted edition of the International Building Code.

“Studio” means an establishment where an artist, sculptor, photographer, craftsperson, or musician works, trains, or teaches others.

“Subdivision” means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purposes, whether immediately or future, for offer, sale, ground lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including for purposes of securing financing:

A. Subdivision Includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or similar recorded instrument; or
2. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes, or
3. The creation of condominiums, townhomes, planned developments, and any other project that results in individual ownership in fee title, airspace, or cooperatively; or
4. Stock cooperatives.

B. **“Simple Subdivision”** means “subdivision”.

C. **“Major Subdivision”** means the division of land into seven (7) or more lots.

D. **“Minor Subdivision”** means the division of land into six (6) or fewer lots.

E. **“Lot Split”** means subdivision.

F. When counting lots in a subdivision, the lot that exists prior to subdivision counts as one lot.

“Subdivision Ordinance” is incorporated within the Logan Land Development Code in the Logan Municipal Code.

“Tandem Parking” means a parking design in which one car parks behind another car in a single width driveway lane or single width parking space.

“Technical Advisory Committee” means a committee that may be established as needed at the discretion of the Mayor to provide technical support or recommendations to the Mayor or other Commissions or Boards.

“Telecommunication Facilities” includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, co-located with existing facilities, or mounted on rooftops, poles, light posts, power poles, buildings or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system. Telecommunication Facilities includes such uses as Amateur Radio, Microwave, Television, Radio and Wireless Communication Device Towers and their supporting facilities.

“Theaters” means a building or part of a building used to show motion pictures or live performances in drama, dance, musical, or other similar entertainments.

“Trailer Sales” means an area, other than the right-of-way or public parking areas, used for display, sale, or rental of new or used trailers or recreation vehicles in operable condition.

“Tree” means any self-supporting woody perennial plant which has a trunk diameter of 3 inches or more when measured at a point 4.5 feet above grade and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches. Trees may appear to have several stems or trunks, as in several varieties of oaks.

“Tree Canopy” means the upper portion of a tree consisting of limbs, branches and leaves.

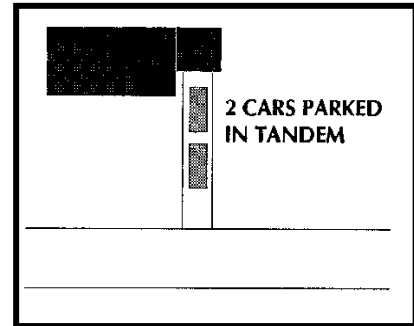
“Tree Removal” means to change the location of, or any action or inaction which will cause a tree to die within a period of 9 months. Tree removal also includes any action to any part of a tree which will cause a tree to become so undesirable as to warrant the total removal of the tree, e.g., improper pruning so as to destroy the natural shape or which causes infection, infestation, rot or decay; application of herbicidal or other lethal chemicals; paving over the root system, etc.

“Triplex” means a residence consisting of three attached dwelling units.

“Truck Stop” means a retail establishment with larger site development areas compared to gasoline service stations and of up to 7,000 square feet selling primarily petroleum products, vehicle related products and services, food products, household items, newspapers and magazines, candy, and beverages, and limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Useable Outdoor Space” means outdoor areas within a lot, parcel, or project site that are designed and used in conjunction with a primary use for the benefit and enjoyment of the residents and their guests of the development, and where appropriate, the public. Useable outdoor space may include improvements, including accessory structures, as necessary and appropriate that complement or enhance the useable

Figure 17.62.E Tandem Parking



outdoor space. Useable outdoor space generally includes patios, decks, shade structures, play equipment, play courts, walkways, landscaped plazas, active recreational areas, public gathering areas, and natural open space areas. Within a Mixed Use Project, useable outdoor space also includes public gathering areas, i.e., plazas, parks, public squares, sidewalks with seating in front of small businesses, courtyards, or any other areas that are shared public spaces where people can comfortably congregate and socialize, are visually prominent, and easily accessible.

“Utilities” are characterized as follows:

- A. **“Basic service delivery and laterals”** means utility services that are located in or adjacent to the area where service is provided.
- B. **“Distribution network”** means the utility distribution network that generally serves a neighborhood or area.
- C. **“Structures, physical facilities”** means regional, intra-city, inter-city, or interstate distribution lines serving broad areas. These types of structures include above ground power lines of 120 kilovolts or more, power distribution by a non-franchised power company, physical facilities or structures that are more than thirty-six inches in height above ground surface or more than a four square foot footprint; municipal water well, reservoir, or storage tank.

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

“Vegetation, Native” means any plant species which is indigenous to all or a part of northern Utah or the northern Rocky Mountain and Great Basin ecosystems. Plant species which have been introduced by humans are not classified as native species.

“Vines” means plants which normally require support to reach mature form.

“Wall Art” means a graphic representation that has no advertising or promotional content, no signage, no logos, or other commercial content or graphics. See Mural.

“Warehouse, Freight Movement” means firms involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

“Waste Related Use” means uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as delineated during a formal wetland delineation and approved by the U.S. Army Corps of Engineers.

“When Feasible” means when all attendant circumstances are considered, the benefit to the community outweighs the cost and burden to the proponent or developer.

“Wholesale Sales and Service” means a firm involved in the sale, lease, or rent of products primarily intended for retailers, industrial, institutional, commercial, or professional business users. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be

open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

“Wildfire” means an area subject to potential damage from fire caused by combustion of native vegetation, commonly referred to as forest fire or brush fire.

“Wildland Urban Interface” means the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels, and there exists a potential for wildfire as determined by the Logan City Fire Chief.

“Wireless Telecommunications Facility” are those telecommunications facilities including all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, co-located with existing facilities, or mounted on rooftops, poles, light posts, power poles, buildings or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system.

“Wireless Telecommunications Facility Stealth Design” means improvements or treatments added to a wireless telecommunication facility in order to camouflage or blend the facility with surrounding land uses, natural features, landforms, structures or architecture. The purpose is to minimize the aesthetic and visual impact on adjacent properties. Examples of stealth design include, but are not limited to, the design and construction of a tower disguised as a flagpole, tree, or structure, the incorporation of colors and design features that help to camouflage or blend the facility with nearby structures or landforms, or the incorporations and/or placement of facilities onto new or existing buildings and structures. Site placement and site context are also elements that could be incorporated into a stealth design. Because of unique circumstances associated with each site, a facility may be considered stealth design in one location and not a stealth design in another location.

“Wrecking or Salvage Yard (Enclosed)” means any completely enclosed, roofed, building for storing, collection, processing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, vehicles, or equipment.

“Wrecking or Salvage Yard (Open)” means any lot, land, parcel, or area for storing, collection, processing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, vehicles, or equipment.

“Yard” means the actual undeveloped open space that exists or that is proposed between a structure and the lot lines of the lot on which the structure is located (see “Setback”).

“Yard (Vehicle Impound)” means any lot, land, parcel, or area for temporary storage (less than 90 days) of impounded vehicles where no work is conducted on these vehicles unless required for safe transport or storage purposes.

“Zoning Amendment” means an application or petition to change either the Official Zoning Map, or the regulations, provisions, standards, specifications, or text of the Land Development Code.

“Zoning District” means the separate areas defined within the City to which a specific zoning district or land use classification is assigned.

- A. **“Base Zoning District”** means a zoning district that establishes the primary permitted uses, conditional uses, and development standards for a parcel of land.
- B. **“Overlay Zone”** means a zoning district in the Land Development Code which is applied to a parcel of land to add special or additional development requirements in addition to or in place of the requirements of the base zoning district (also referred to as a “Combining Zone”).

“Zoning Ordinance” means all those ordinances enacted by the Municipal Council for the City of Logan codified in Title 17 of the Logan Municipal Code or within the Land Development Code.