

# LOGAN LAND DEVELOPMENT CODE

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**LAND DEVELOPMENT CODE**

Contains components enacted by the Municipal Council through February 13, 2011 and subsequent amendments thereto

**PREFACE**

This version of the Land Development Code reflects changes directed by the Planning Commission and adopted by the Municipal Council through February 13, 2011 and includes amendments made since the February 13, 2011 adoption date. These amendments are listed in the amendment schedule on the following pages.

**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 new 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. The Planning Commission will be exploring the use charts in significant detail at one of its workshops.

Article IV, Overlay Zoning Districts, contains the regulations that apply to zones that are combined with base zones. There are several new combining districts.

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**

The Land Development Code was adopted February 13, 2011. The following Tables identify specific Code Amendments and Zone Changes, and their disposition, since the initial adoption date. Generally, sections of the Code that have been amended by actions subsequent to February 13, 2011 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](http://www.loganutah.org) and are kept on record within the Department of Community Development.

### Land Development Code Amendments

Ord. No.	Chapter(s)	Summary of Changes	Effective Date
11-14	17.01 – 17.62	Development Code Adoption	February 13, 2011
11-23	17.17	Gateway Land Use Designation	March 15, 2011
11-36	17.12 - 17.15	Neighborhood Centers	July 26, 2011
11-58	17.36	EMD Moratorium	Vetoed July 21, 2011
11-67	17.11 & 17.19	Town Center – Max Residential Densities	September 20, 2011
11-82	17.17.030	Use Table	Denied Nov. 1, 2011
11-89	17.62	Definitions	January 17, 2012
12-08	17.17	Use Table	February 14, 2012
12-14	17.22	Public & Recreation Standards	February 28, 2012
12-31	17.11 – 17.19	Height Transitions	May 8, 2012
12-43	17.40	Signs	August 7, 2012
12-44	17.46 – 17.60	Administrative Provisions	July 17, 2012
12-70	17.15 & 17.38	Residential Standards & Parking	November 20, 2012
12-72	17.18	Industrial Heights	December 4, 2012
12-73	17.11, 17.36 & 17.37	Eliminate 17.11, update Public Work Spec's, & create Supplemental Development Regulations	December 4, 2012
13-31	17.15	Neighborhood Centers	May 21, 2013
13-42	17.37	Exterior Lighting	June 18, 2013
13-59	17.13, 17.17, 17.21, & 17.45	Wireless Telecommunication Facilities	August 20, 2013
13-61	17.37	Infill Development Standards	August 20, 2013
13-62	17.60	Administrative Enforcement	August 20, 2013
13-63	17.27, 17.46 & 17.57	Historic District Overlay, Permit Authority & Appeals	August 20, 2013
13-64	17.18 & 17.50	Design Review Standards and Procedures	August 20, 2013
13-65	17.30	Added Hospital Overlay	August 20, 2013
13-70	17.04 – 17.15	Residential Zoning	September 17, 2013
13-80	17.28	Create West Gateway District	November 12, 2013
13-86	17.31	Critical Areas Overlay	December 3, 2013
13-87	17.43 & 17.44	Home Occupation & Additional Dev. Standards	December 3, 2013
13-88	17.39	Landscaping	December 3, 2013
13-89	17.32	Landfill Overlay Zone	December 3, 2013
13-94	17.24 – 17.29	Updated Overlay Zones	January 7, 2014
13-95	17.20 – 17.22	Public Zones, Uses & Development Standards	January 7, 2014
14-04	17.14	Eliminated Lot Variety Standard	January 21, 2014
14-08	17.16 – 17.19	Community Commercial	February 4, 2014
14-09	17.35	Open Space	February 4, 2014
14-13	17.40	Signs (EMD size increase)	March 18, 2014
14-25	17.17	Indoor Gun Ranges	May 6, 2014
14-45	17.40 & 17.50	EMD Review Process	August 19, 2014
14-46	17.54	Created Track 1 Procedures	August 19, 2014
14-47	17.59	Clarified Legally Existing Nonconformities	August 19, 2014
14-48	17.18	Added Food Grade Facilities	August 19, 2014
14-49	17.37	Clarified Connectivity Requirements	August 19, 2014
14-56	17.33	Modified “X” Overlay	July 15, 2014
14-57	17.47 & 17.58	Clarified Subdivision Phasing	August 19, 2014

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15-03	17.14	Added Driveway/Parking Graphic	February 17, 2015
15-04	17.15, 17.36/37	Residential Fencing	February 17, 2015
15-05	17.01, 24, 46, 50, 53, 55, 57	Created Land Use Appeal Board	February 17, 2015
15-06	17.62	Updated Definitions	February 17, 2015
15-07	17.40	Sight Distance Triangle & Temp Event Banners	February 17, 2015
15-09	17.38	Compact Parking & Eliminate Structured Parking Requirement in TC & CR Zones	April 7, 2015
15-10	17.19	Eliminate Minimum Height Requirement in TC	May 19, 2015
15-12	17.15	Amend MR & CR Zones Side Setbacks	April 21, 2015
15-15	17.15 & 17.19	Added common wall setbacks	September 15, 2015
15-16	17.40	Temporary Signs	September 15, 2015
15-19	17.31	Floodplain Language Clarification	October 6, 2015
15-20	17.40 & 17.60	Correct Language (Clean-up)	October 20, 2015

### Zoning Map Amendments

Ord. No.	Property Location	Old Zone	New Zone	Effective Date
11-18	Riverwoods Shoppes	Mixed Use	Commercial	June 28, 2011
11-21	Westfield Phase II	Com. Services	Industrial	February 15, 2011
11-37	Logan Fire Station #72	Recreation	Public	June 2, 2011
11-68	Church/Federal Rezone	Public	Town Center	September 20, 2011
11-85	Royal Point Sub – Lot 6	MRM	MRH	Denied 11/15/11
12-04	920 North 200 West	MRM	Mixed Use	Denied Feb. 7, 2012
12-05	1351 East 1100 North	Public	NRE	February 7, 2012
12-12	1400 North Main	Mixed Use	Commercial	February 28, 2012
12-18	Hancey Gravel Pit	MRH & MU	Com. & NRE	March 13, 2012
12-21	Winding Way (Drogheda)	Resource Cons.	NRE	April 8, 2012
12-23	10 <sup>th</sup> N. 4 <sup>th</sup> E. (Champlin)	NROC	MRM & Com.	Withdrawn 4/17/12
12-29	12 <sup>th</sup> No. 8 <sup>th</sup> E. (Riverside)	Univ. Corridor	Campus Res.	May 8, 2012
12-30	Historic District Overlay	None	X Overlay	May 8, 2012
12-53	Ellis Neighborhood	NRC	Com. Services	August 21, 2012
12-54	Logan Gateway	MRM	MRH	September 4, 2012
13-04	200 South 600 West	Mixed Use	Com. Services	January 22, 2013
13-80	West Gateway Overlay	Gateway	Public, Ind., CS	November 12, 2013
13-89	Landfill Overlay	Added Overlay		December 3, 2013
13-90	Logan Zoning Map Update	Residential Zones		December 3, 2013
14-03	1200 <sup>th</sup> East (Sackett)	MR-20	MR-20/NR-6	January 21, 2014
14-04	Frederico's Pizza/Beaver Mtn.	Neighborhood Center	Community Commercial	February 4, 2014
14-18	170 West 900 North (Eagles)	NR-6	Community Commercial	April 1, 2014
15-11	1500 North 200 West (CFSC)	NR-6	Comm. Comm.	March 17, 2015

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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 tool which most completely fulfills 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. It requires that regulations are fair to all.
- 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 General Plan Mandate

Land development and capital improvement projects shall be consistent with the General Plan. The City’s administration and its departments shall carry out the purposes of the

General Plan when reviewing project proposals, development plans, and capital improvement programs.

A. Planning Commission Implementation

The Planning Commission shall not approve any project for which it cannot substantiate a finding that the project is consistent with the goals, policies, actions, and content of the General Plan.

B. Land Use Appeal Board Implementation

The Land Use Appeal Board shall not approve any variance request for which it cannot substantiate a finding that the project is consistent with the goals, policies, actions, and content of the General Plan

C. Design Review Committee Implementation

The Design Review Committee shall not approve any project for which it cannot substantiate a finding that the project is consistent with the goals, policies, actions, and content of the General Plan

D. Historic Preservation Committee

The Historic Preservation Committee shall not recommend approval of any project for which it cannot substantiate a finding that the project is consistent with the goals, policies, actions, and content of the General Plan

E. 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 finding to support actions initiated by this Land Development Code. The General Plan is adopted as a part of this code by reference. 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, if the General Plan provides precise development standards, the General Plan is to be used. If the General Plan provides policy language and no specific development standards, 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. Unless otherwise specified within the code, it does not preclude adding standards and requirements necessary to achieve the policies of the General Plan, the purposes of this Title, or to protect the public health, safety, peace, morals, and general welfare.

**§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 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 17.51.
- 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 17.59 Legally Existing Nonconformities of this Title.

### §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

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

#### B. District and Corridor Zones

<b>TC</b>	Town Center
<b>COM</b>	Commercial
<b>MU</b>	Mixed Use
<b>GW</b>	Gateway
<b>CS</b>	Commercial Service
<b>IP</b>	Industrial Park
<b>AP</b>	Airport

#### C. Public and Recreation Zones

<b>PUB</b>	Public
<b>REC</b>	Recreation

### §17.04.020. Overlay Zones Established

The following overlay zones are established:

<b>AL</b>	Airport Limitation Overlay Zone
<b>AP</b>	Aquifer Protection Overlay Zone
<b>CL</b>	Critical Lands Overlay Zone
<b>GF</b>	Greenfield Overlay Zone
<b>GW</b>	Gateway District Overlay Zone
<b>HD</b>	Historic District Overlay Zone
<b>HL</b>	Historic Landmark Overlay Zone
<b>H</b>	Hospital Overlay Zone
<b>LF</b>	Landfill Overlay Zone
<b>X</b>	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.

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## **Chapter 17.06: Reserved**

## **Chapter 17.07: Reserved**

## **Chapter 17.08: Reserved**

## **Chapter 17.09: Reserved**

## **Chapter 17.10: Reserved**

# **Article III: Development Standards and Base Zoning Districts**

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## **Chapter 17.11: Reserved**

## Chapter 17.12: Neighborhood Residential Zones

### §17.12.010 Overall Purpose

The purpose of this Chapter is to implement the applicable goals, policies, directives, and actions of the Logan General Plan regarding Logan's neighborhoods. More specifically, this Chapter seeks to implement the following neighborhood policies:

- Logan seeks to maintain or enhance neighborhood integrity, identity, and character to make neighborhoods more desirable and help stabilize and improve property values.
- Logan seeks to maintain itself as a community of stable neighborhoods that families can enjoy in comfort and where children can play in safety.
- The City promotes neighborhood involvement on City decisions and inter-neighborhood cooperation that result in positive decisions for the entire City.
- The City encourages new neighborhoods which mimic the positive visual qualities of the city's traditional neighborhoods.
- The City supports preserving and restoring the character and architecture of Logan's neighborhoods, particularly older neighborhoods.
- The City seeks to return traditional community building principles of interconnected roads, pedestrian sidewalks, parkstrips with street trees, and square or rectilinear blocks surrounded by public streets.

### §17.12.020 Neighborhood Residential Zones Established

Neighborhood Residential zones are established to implement the land use categories of the Logan General Plan's Future Land Use Plan. Table 17.12.020 lists the Future Land Use Plan categories and corresponding Neighborhood Residential zones.

**Table 17.12.020: General Plan Land Use Districts 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)

**§17.12.030 Neighborhood Residential Zone Purposes**

A. The Neighborhood Residential Zone regulations are intended to:

- Preserve the architectural character of Logan neighborhoods.
- Preserve and enhance established development patterns and forms, where most residences are oriented along block perimeters.
- Continue the historic character of these areas, while allowing infill development that is consistent with the neighborhoods' existing forms.
- Prevent the illegal conversion of single-family dwellings to other non-residential uses in the Single Family Residential areas in order to promote neighborhood stability.
- Promote housing options by allowing a mixture of housing types and housing densities in appropriately designated areas consistent with the character of the existing neighborhoods.
- Promote transportation efficiency by encouraging small-scale, neighborhood-serving commercial services in designated areas and where appropriate.
- Allow for neighborhood-oriented institutional uses, such as schools, parks, religious institutions and similar uses.
- Implement the General Plan.



B. All new residential developments must create a traditional neighborhood character where the entrances of homes are oriented toward a public street, and street trees and front porches dominate the view along the streetscape. Subdivision streets will be designed to provide interconnectivity within the subdivision and between adjoining areas.



C. All new and infill development will place a priority on developing complete streets which attractively accommodate vehicles, and are pedestrian and bicycle friendly.

In areas designated Neighborhood Residential, all new development, whether infill between existing homes, replacement of existing homes or new development on vacant land, will be detached single-family structures, unless specifically permitted by this Code. Within the allowed density range, compact lot



## 17.12: Neighborhood Residential Zones

design may be used to preserve open space, critical lands, and to avoid natural hazards. While detached single-family homes will be the primary land use for the Neighborhood Residential category, variety is very important. In order to create stable, diverse neighborhoods (as in the older existing neighborhoods of Logan) with new and infill development, varied lot sizes and home sizes are required. A variety of housing options will allow families to remain in the neighborhood as they pass through different phases of life (single, with children, empty nesters, and seniors).



**§17.12.040 Low Density Neighborhood Residential (NR-2)**

The purpose of this zone is to provide for single-family residential uses consistent with the form and character of Logan's Eastside and Westside Neighborhoods. The predominant development forms are one- to two-story single family homes on larger lots, typically one or two units per acre. Dwellings include a variety of architectural styles.

The Neighborhood Residential (NR-2) zone includes existing and future residential neighborhoods on the east benches of Logan where topography is a natural constraint to dense residential development as well as the western side of the City where a variety of environmental constraints and lifestyle choices contribute to a preference for larger lots.

The N-2 development regulations are intended to:

- Provide for low density residential development sensitive to unique environmental site conditions;
- Provide for lower density development where warranted due to existing development patterns and neighborhood desires;
- Allow for neighborhood-oriented institutional uses, such as schools, parks, religious institutions and similar uses;
- Continue the detached, single-family character of these areas; and
- Accommodate development patterns that average two (2) dwelling units per acre.



## 17.12: Neighborhood Residential Zones

**§17.12.050 Suburban Neighborhood Residential (NR-4)**

The purpose of this zone is to provide for single-family residential uses consistent with the form and character of Logan's established neighborhoods. The predominant development forms are one- to two-story single family homes on medium size lots. Dwellings include a wide variety of architectural styles.

The Neighborhood Residential (NR-4) development regulations encourage diversity in new housing forms and sizes, especially on the interior of existing blocks, consistent with the surrounding single family character, lot sizes, and densities, and in newer subdivisions where the preference is for larger lots. The regulations encourage street and pedestrian connectivity both within and among new and existing subdivisions.

The NR-4 development regulations are intended to:

- Provide an architectural and density transition between Logan's developed neighborhoods and new development;
- Continue established development patterns and forms where most residences are oriented along block perimeters and development of interior block areas is controlled for compatibility with established residences;
- Promote transportation efficiency by developing an interconnected "complete" streets networks that conveniently and safely connects schools, religious institutions, parks and recreational amenities to surrounding residential neighborhoods;
- Promote the infill of block interiors at a lower density to ensure neighborhood compatibility with existing development;
- Provide a range of lot sizes and housing choices that are attractive and affordable for families; and
- Accommodate development patterns that average four (4) dwelling units per acre.



**§17.12.060 Traditional Neighborhood Residential (NR-6)**

This zone includes Logan's most established historic residential areas and their surrounding neighborhoods in Adams, Bridger, Ellis and Wilson. 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.

The NR-6 development regulations are intended to:

- Preserve and enhance historic development patterns and forms, where most residences are oriented along block perimeters and development of interior block areas is controlled for compatibility with established residences;
- Continue the detached, single-family character of these areas, while allowing infill development that is consistent with the neighborhoods' existing forms;
- Promote the infill of block interiors at a lower density to ensure neighborhood compatibility with existing development;
- Promote the rehabilitation of the existing housing stock in order to encourage stability in existing neighborhoods;
- Allow for neighborhood-oriented institutional uses, such as schools, parks, religious institutions and similar uses; and
- Accommodate development patterns that average six (6) dwelling units per acre.



**§17.12.070 Mixed Residential Transitional (MR-9)**

The purpose of this zone is to promote dense residential developments adjacent to the city center, areas of employment, areas of commerce, or other areas where dense, residential housing is preferred such as retirement housing and where it is compatible with existing development patterns.

This zoning district will promote a dense pattern of housing development while encouraging detached and certain attached styles of 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, is accessible to various services, and promotes walkability. This zone will provide a transition between denser multi-family residential or commercial areas and established single family residential neighborhoods.

The MR-9 development regulations are intended to:

- Provide a transition between areas of commerce or multi-family residential projects and Logan's established neighborhoods;
- Encourage innovative design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community;
- Promote both the detached, single-family character and limited attached housing that meets the needs of a wide range of residents while ensuring new development is consistent with existing neighborhoods;
- Promote development that provides housing choices for seniors where the preference is on small lots and single level living;
- Allow for neighborhood-oriented institutional uses, such as schools, parks, religious institutions and similar uses;
- Encourages clustering of development to protect important open spaces; and
- Accommodates a variety of lot sizes and structure types averaging nine (9) units per acre.



## 17.12: Neighborhood Residential Zones

**§17.12.080 Mixed Residential Low (MR-12)**

The Mixed Residential Low Zone provides 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.

Structures in this zone will range from townhouses to apartments developed at 12 dwelling units per acre. All new and infill developments will have a mix of housing types avoiding repetitious rows of the same size houses, same floor plans, and same lot size.

The MR-12 development regulations are intended to:

- Promote a variety of housing styles and types;
- Promote infill development compatible with surrounding land uses;
- Encourage this level of density as a transition between core neighborhoods and dense, multi-family projects or commercial areas; and
- Encourage innovate design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community.



## 17.12: Neighborhood Residential Zones

**§17.12.090 Mixed Residential Medium (MRM - 20)**

The Mixed Residential Medium Zone provides 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. High quality design and an emphasis on site amenities will be important in this zone to ensure neighborhood compatibility and guarantee lasting community values.

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. This form of housing contributes to the efficient, sustainable development of the city, which preserves the open lands surrounding Logan and minimizes traffic congestion.

Structures in this zone will include a mixture of housing types and ownership patterns including a variety of townhouses and apartments developed at 20 dwelling units per acre. All new and infill development will contain a mix of housing types avoiding repetitious rows of the same size houses, same floor plans, and same lot size thereby providing visual interest to the City.

The MR-20 development regulations are intended to:

- Promote dense housing near employment centers and service areas;
- Encourage innovate design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community; and
- Encourage innovate design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community.



**§17.12.100 Mixed Residential High (MR - 30)**

The Mixed Residential High Zone provides 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.

High quality building design and materials will be required as well as usable open space and adequate parking. Traditional design features such as building entrances that face the street, screened parking, street trees, site amenities and parking terraces will be associated with these developments. High quality will be emphasized to ensure neighborhood compatibility and guarantee lasting community values

Structures in this zone will include a mixture of housing types including a variety of townhouses, apartments and stacked housing developed at 30 dwelling units per acre. Development will avoid repetitious rows of the same design, same size houses, and same floor plans thereby providing visual interest to the City.

MR-30 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 form of housing contributes to efficient, sustainable development of the city, which preserves the open lands surrounding Logan and minimizes traffic congestion. Live/work centers are encouraged in this specific zoning category where appropriate and consistent with surrounding development patterns.

The MR-30 development regulations are intended to:

- Promote a variety of housing styles and types;
- Encourage dense development near USU, employment and service centers;
- Encourage innovative design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community; and
- Encourage innovative design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community.



**§17.12.110 Campus Residential (CR)**

The Campus Residential Zone is located adjacent to large educational centers such as Utah State University. This designation permits the highest density residential development in the city and is intended to relieve the student housing pressure on traditional single-family neighborhoods, especially in the core areas.

Campus Residential developments may develop at a maximum density of 40 dwelling units per acre. High quality building design and materials will be required as well as usable open space and adequate parking. Traditional design features such as building entrances that face the street, street trees, screened parking and parking terraces will be associated with these developments.

Ground floor commercial uses serving the resident population is an important component of the Campus Residential zone, and are encouraged provided they do not negatively impact adjoining residential uses.

The Campus Residential development regulations are intended to:

- Promote student housing near USU to alleviate housing demands in adjoining neighborhoods;
- Encourage innovative design and development patterns promoting a walkable, pedestrian friendly design catering to a sense of community; and
- Promote limited commercial uses serving the resident population consistent with surrounding neighborhoods.



**§17.12.120 Neighborhood Center (NC)**

The Neighborhood Center Zone is intended to provide a modest level of convenience-oriented commercial services to their surrounding neighborhoods. Neighborhood Centers are comprised of low-intensity retail (and/or service) business and mixed uses that primarily serve residents and employees within a five 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.

NC development will be pedestrian-oriented. They will create a traditional neighborhood character with the entrances of structures facing public streets, screened parking, and street trees that dominate the street scene.

A request for the Neighborhood Center zoning designation shall include a Concept Site Plan and a market analysis which provides an analysis of supportable retail space that verifies demand for commercial uses as a Neighborhood Center. The applicant shall use a concept site plan and other visual techniques to portray project designs.

Neighborhood Centers shall be limited to parcels located at least ¼ mile away from other Neighborhood Centers and commercially zoned properties. Pedestrian barriers conflicting with neighborhood walkability shall be exempt from the ¼ mile setback requirement. Qualifying historic non-residential buildings that are restored and zoned Historic Landmark Overlay in accordance with 17.26 will also be exempt from the ¼ mile setback. Ground floor (building(s) footprint) commercial areas shall be limited to 3,000 square feet per parcel within the Neighborhood Center and the City may authorize up to 5,000 square feet per parcel within the Neighborhood Center with a Conditional Use Permit.



**§17.12.120 Resource Conservation (RC)**

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 possesses land that has 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.

The RC zone will also function, in a limited context, as a holding zone for those lands annexed but not yet planned for future development consistent with City standards for residential and commercial projects.

The RC Zone will also function as a repository zone for all land platted as open space or critical lands held in any type of ownership, including conservation easements, where development rights have been acquired. Uses allowed on these lands must be consistent with uses in adjacent, undeveloped areas and environmental constraints.

**§17.12.130 MH, Mobile Home**

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 17.13: Neighborhood Residential Zone Uses

### §17.13.010 Purpose

Chapter 17.13 sets forth the types of land uses permitted and conditionally permitted within Logan's Neighborhoods, consistent with Logan's Future Land Use Map.

### §17.13.020 Neighborhood Residential Land Use: Classification

- A. Primary Uses. Land use shall conform to the designations in Tables 17.13.030 (Structure Type) and Table 17.13.040 (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 17.55.
  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 the Procedures for Processing Applications contained in Chapter 17.55.
  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 17.43).
- 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 17.59.

### §17.13.030 Neighborhood Residential Structure Types

Table 17.13.030 lists the residential structure types allowed in Neighborhood residential zones. The structure types listed in the table are defined in Chapter 17.62. 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 17.13.030: 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	N	N
Courtyard house, detached	N	N	P	P	P	P	P	P	N	N
Front yard house, attached	N	N	N	P	P	P	P	P	N	N
Front yard house, detached	P	P	P	P	P	P	P	P	N	P
Live work	N	N	N	N	N	N	C	C	C	N
Multi-dwelling, attached	N	N	N	N	P	P	P	P	N	N
Multi-dwelling, stacked	N	N	N	N	N	P	P	P	N	N
Manufactured housing unit	C	C	C	C	C	C	C	C	N	C
Twinhome (Duplex)	N	N	N	P	P	P	P	P	⊗	N
Town House	N	N	N	C	P	P	P	P	N	N

**§17.13.040 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 17.13.040 lists the land uses allowed in all neighborhood residential zones.

**Table 17.13.040: 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 <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	P	P	P	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Nursing Home, Convalescent Home	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	P	P	P	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Group Home where care, training, or treatment IS provided on site.	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Group Home where care, training, or treatment IS NOT provided on site.	C	C	C	C	C	C	C	C	N	N
Dormitories, Fraternities, Sororities	N	N	N	N	N	N	N	C	N	N
Residential occupancy of a dwelling unit by a family, or no more than three (3) unrelated individuals.	P	P	P	P	P	P	P	P	P	P
Residential occupancy of a dwelling unit by no more than six (6) unrelated individuals and not to exceed two (2) persons per bedroom.	N	N	N	N	N	N	N	P	N	N
Public/Institutional Uses										
Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community	N	N	N	N	C	C	C	C	N	N
Family Day Care/ Preschool (1-8 Clients)	P	P	P	P	P	P	P	P	N	C
Family Group Day Care/ Preschool (9-16 clients)	C	C	C	C	C	C	C	C	N	N
Commercial Day Care 17 or more clients	N	N	N	N	N	N	N	C	N	N
Neighborhood Parks and Open Areas	P	P	P	P	P	P	P	P	N	P
Community/Regional Parks	C	C	C	C	C	C	C	C	N	C
Religious Institutions	P	P	P	P	P	P	P	P	N	N
Clubs, Lodges, similar uses	N	N	N	N	C	C	C	C	N	N
Libraries, Museums, Community Centers	N	N	C	C	C	C	C	C	N	N
Cemetery, Mausoleum	C	C	C	C	C	C	C	C	N	C
Public Safety Services (fire, police)	C	C	C	C	C	P	P	P	N	P
Public Schools (K-12)	State law supersedes local zoning regulations.									
Private Schools (K-12)	C	C	C	C	C	C	C	C	N	C
Utility Uses										
Wireless Telecommunication Facilities	C	C	C	C	C	C	C	C	C	C

## 17.13: 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
Radio, television, microwave towers or other telecommunication towers	C	C	C	C	C	C	C	C	C	C
Amateur radio towers of 50' or less in height above the average elevation of the subject property	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
Municipal water well, reservoir, or storage tank	C	C	C	C	C	C	C	C	C	C
Neighborhood Serving Commercial Uses										
Food Services less than 3,000 square feet in size & no auto drive-through <sup>1</sup>	N	N	N	N	N	N	N	P	P	N
Food Services less than 5,000 square feet in size & no auto drive-through <sup>1</sup>	N	N	N	N	N	N	N	P	C	N
Sales and Service less than 3,000 square feet in size <sup>1</sup>	N	N	N	N	N	N	N	P	P	N
Sales and Service less than 5,000 square feet in size <sup>1</sup>	N	N	N	N	N	N	N	P	C	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
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
Bed & Breakfast & Sleeping Accommodations - ten or fewer rooms and meal service limited to guests. Sleeping accommodations for transient occupancy	N	N	N	N	N	C	C	C	N	N
Other Uses										
Parking, Commercial	N	N	N	N	N	N	N	C	N	N
Residential Programs for Drug & Alcohol Treatment	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Alternative or Post Incarceration Facilities	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Agricultural Uses	P	P	N	N	N	N	N	N	N	P

<sup>1</sup> 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.

<sup>2</sup> Indicates use may be allowed where State or Federal law preempts local zoning.

## Chapter 17.14: General Development Standards: Neighborhood Residential Zones

### §17.14.010 Neighborhoods Residential General Development Standards

#### A. Purpose.

The purpose of Chapter 17.14 is to provide 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. Applicability.

Chapter 17.14 applies to all residential development proposals in Logan's Neighborhoods. Some Sections of 17.14 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.

### §17.14.020 Variety of Housing: Single - Family Developments

#### A. Purpose.

The purpose of Section 17.14.020 is to create physical environments that are varied, aesthetic, and consistent with the character and walkability of Logan's neighborhoods.

#### B. Applicability.

The provisions of Section 17.14.020 apply to all new residential construction and new subdivisions in the Neighborhood Residential zones.



Single family developments should fit the character and quality of Logan's existing neighborhoods.

### C. Standards.

#### 1. Front/Street Facade Variation.

- a. For all new residential development, no two directly adjacent or opposite dwelling units may possess the same front elevation. This standard is met when all front elevations differ from one another by at least 4 of the following criteria:

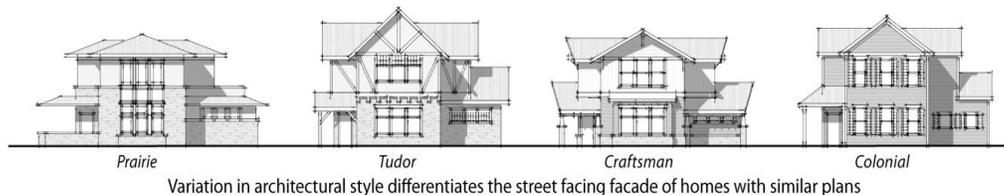
- 1) Differing Mix of Materials (see Section 17.14.020.C.2);
- 2) Articulation (see Section 17.14.020.C.3);
- 3) Roof Elevation (changes in elevation and orientation of roof line, or use of projections such as gables and dormers, that demonstrate variation over at least 20% of all front or street-facing elevations as applicable);
- 4) Entry/Porch (variation in placement and configuration of porches, stoops, covering, etc.);
- 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, or other styles as appropriate - see Figure 17.14.020.C.1);
- 7) Variation of Building Height and Stories; or
- 8) Color Variation.

- b. Repeated facades shall not comprise more than 25% of the single family units on the same block face.



Variation in color, materials, and forms creates a diverse streetscape.

**Figure 17.14.020.C.1: Examples of Varied Architectural Styles**



#### 2. Mix of Building Materials for Primary and Accessory Structures.

- a. When a mix of building materials, excluding trim, is selected to satisfy the façade variation standards of this Section, choose from the following materials: brick, fiber cement siding, wood siding, board and batten, stucco, fiber cement panels, masonry, metal, vinyl, and shingles. Figure 17.14.020.C.2 illustrates suggested ways to mix building materials on any one structure.

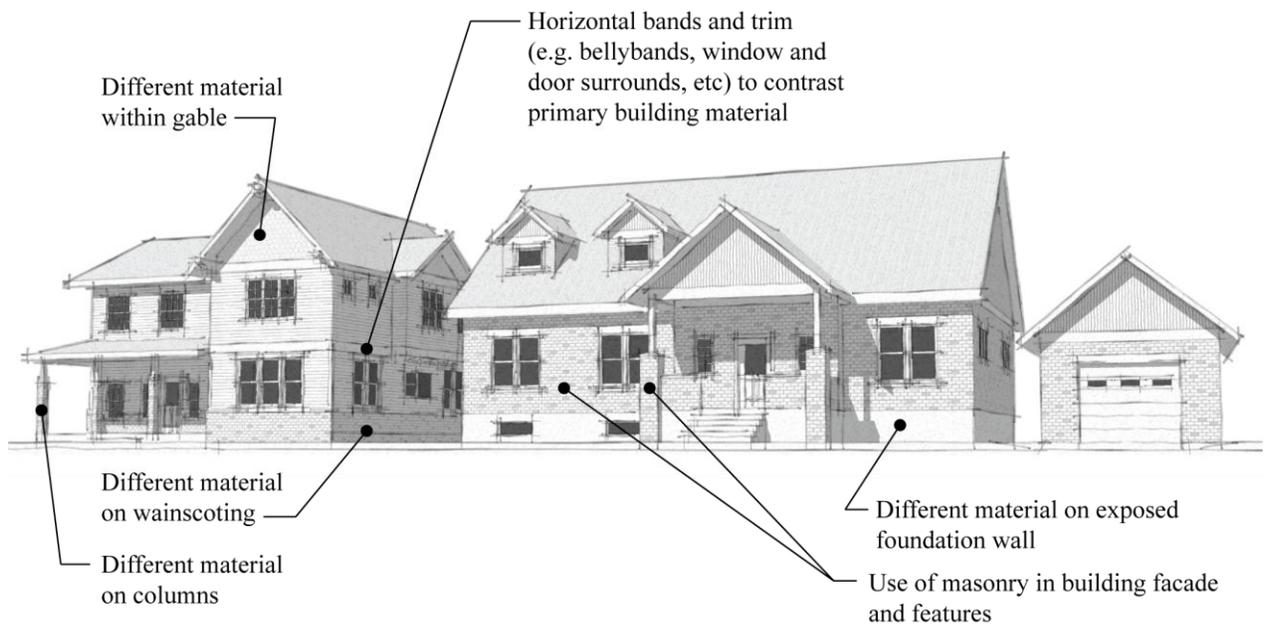
17.14: General Development Standards: Residential Zones

- b. The use of masonry materials is highly encouraged as a detailing material for all residential development. Masonry materials can be incorporated in the facade in several ways, such as on the whole facade, wainscoting, or on a partial building story.
- c. Varying dimensions or spacing of wood or fiber cement siding may be used to create an appropriate building scale. For example, closer spacing or smaller dimensions of lap siding may be used around building entrances, dormers, gables and other elements, to accent those elements, while applying wider spacing or larger dimensions elsewhere.

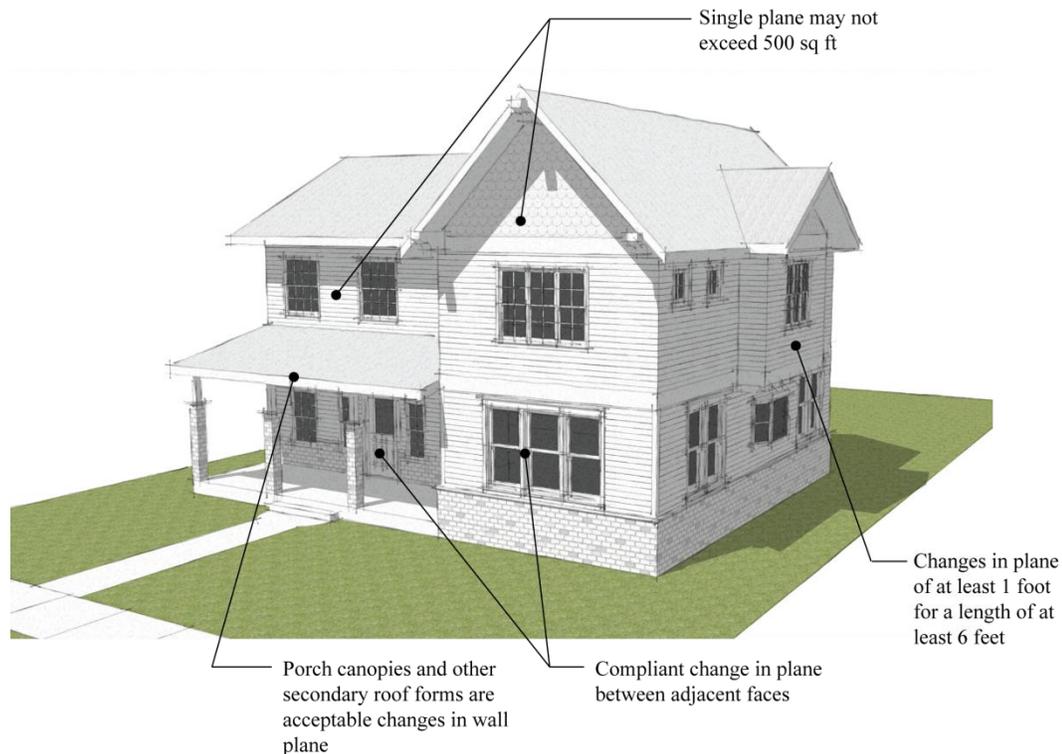


Mixing materials between buildings can create façade variation between similar building forms.

**Figure 17.14.020.C.2: Example of Mix of Building Materials**



- 3. Articulation.  
When the front, side, or rear elevation of any structure facing a public roadway is more than 500 square feet in area, that elevation must be divided into distinct planes of 500 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. Dormers, porch canopies, and other secondary roof forms are examples of acceptable changes in wall plane. See Figure 17.14.020.C.3.

**Figure 17.14.020.C.3: Example of Compliance with Articulation Standard**

5. Front Porches/Stoops.

New single family residential construction requires either a covered front porch or covered stoop at least four (4) feet in depth sufficient to provide adequate protection from weather and to add building variation (see Figure 17.14.020.C.3).

6. Roof Type and Roof Pitch.

New single family residential construction requires a sloped roof with at least a 5:12 pitch and a minimum of one (1) foot of roof overhang.

7. Building Placement and Orientation Standards.

a. 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.

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 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.



Front Porches provide weather protection and building variation while also creating a pedestrian friendly neighborhood.

17.14: General Development Standards: Residential Zones

- c. Buildings and their primary entrances shall be oriented to streets or common courtyards unless prohibited by unique site conditions (see Figures 17.14.020.C.5 and 17.14.020.C.5).
- d. Alternatives to these building orientation standards may be permitted for single family residential buildings fronting arterial streets, as illustrated in Figure 17.14.020.C.6.

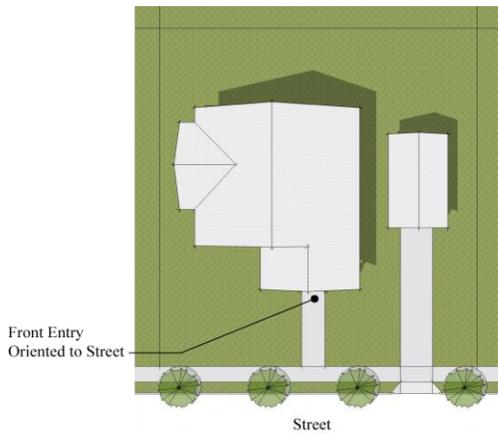


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**Figure 17.14.020.C.4**  
**Front Entry Oriented to Street**



**Figure 17.14.020.C.5**  
**Front Entry Oriented to Common Courtyard**



**Figure 17.14.020.C.6: Building Orientation**

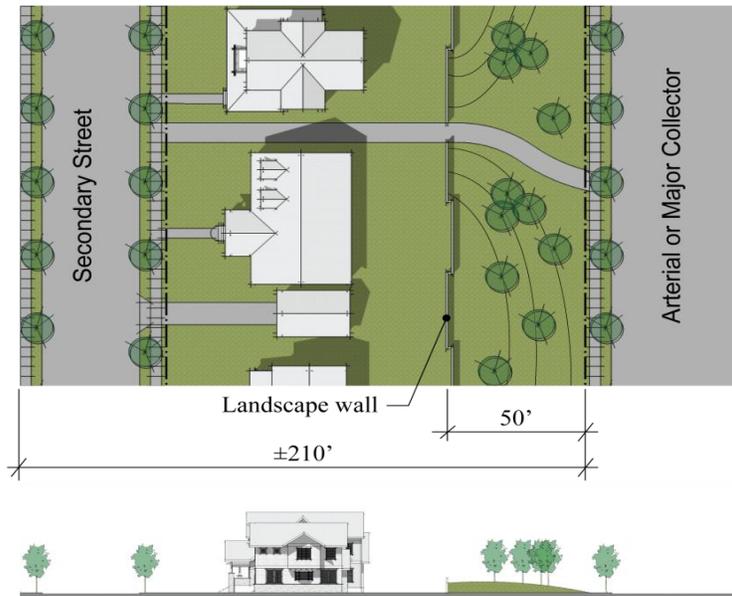


**Front Facing (standard)**

1. Front entry facing primary street.
2. Privacy enclosure in rear yard.
3. Increased front setback to 30' (min).
4. Public or private alley to meet city standard.

**Frontage Road Facing**

1. Front entry facing secondary frontage road.
2. Secondary frontage road may be public or private. If private, must be built to meet city standards.
3. Access limited to primary street.
4. Standard front yard setback.



**Rear Facing**

1. 50' (min) wide landscaped screen adjacent to street.
2. Berms, tilted or undulating grade within landscape screen.
3. Pedestrian connection to sidewalk of primary street.
4. Solid masonry screen wall with articulated wall planes at property line with a 3' minimum offset.
5. 20' (min) rear yard setback.
6. Homeowners association to maintain landscaping, walls and pedestrian walkway.

**§17.14.030 Garages, Parking, and Accessory Structures****A. Purpose.**

Section 17.14.030 provides standards for the placement, orientation, and design of garages, parking areas, and accessory structures in Residential zones. It is intended to ensure that new development and street frontages are consistent with a traditional pattern of neighborhood development, in which garages, driveways, parking lots, and accessory structures are visually subordinate to primary uses, front yard setbacks are free of vehicle storage, and streetscapes are inviting to pedestrians.

**B. Applicability.**

The provisions of Section 17.14.030 apply to all new residential development.

**C. Garage, Carport and Automobile Tent Standards.**

1. Garages and other accessory structures located within the front half of a lot (street frontage) shall not exceed 50% of the total building front/street-facing elevation.
2. No individual garage or other accessory structure shall exceed 100% of the primary structure's ground floor gross floor area.
3. Detached Garages and/or accessory structures shall be set back a minimum of 10 feet from the longest portion of the front/street-facing elevation of the primary structure (See Figure 17.14.030.C.1).
4. Attached front loading Garages shall not extend more than 10 feet forward from the longest portion of the front/street facing elevation of the primary structure. Side-loaded garages attached to the primary structure shall not extend more than 15 feet from the longest portion of the front/street facing elevation of the primary structure.
5. No detached garage or other accessory structure shall be located within six (6) feet of another structure, except where a common wall is approved through Design Review.
6. Access to garages may require shared driveways (one drive for two garages), alleys, or shared parking courts, subject to Design Review.
7. Carports may be permitted provided they comply with the accessory structure setbacks identified above. 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. All structures greater than two-hundred (200) square feet in size shall require a building permit. Prefabricated carports or canopies are prohibited in all residential zones.
8. Roof form for all garages and carports must be gabled and have the same pitch as the primary structure.
9. If an accessory structure is less than or equal to 120 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.

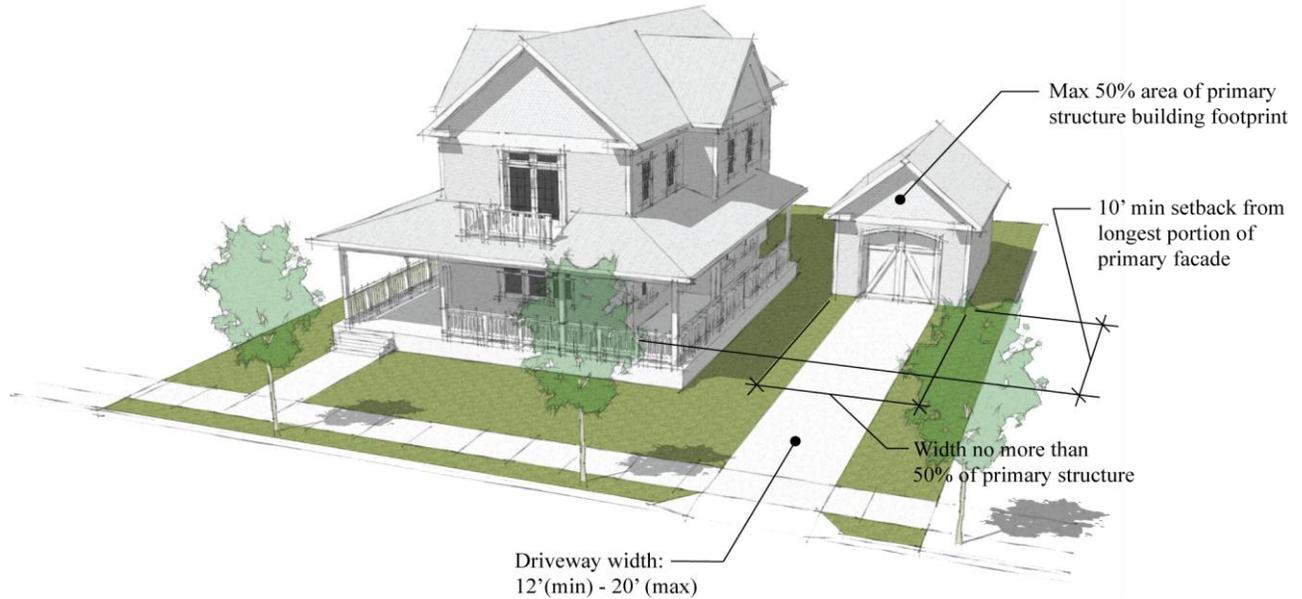


The garage is set back from the primary structure.

## 17.14: General Development Standards: Residential Zones

10. Building materials or colors for garages and carports shall be similar to the exterior finishes on the primary structure.

**Figure 17.14.030.C.1: Detached Garage/Accessory Structure Standards**



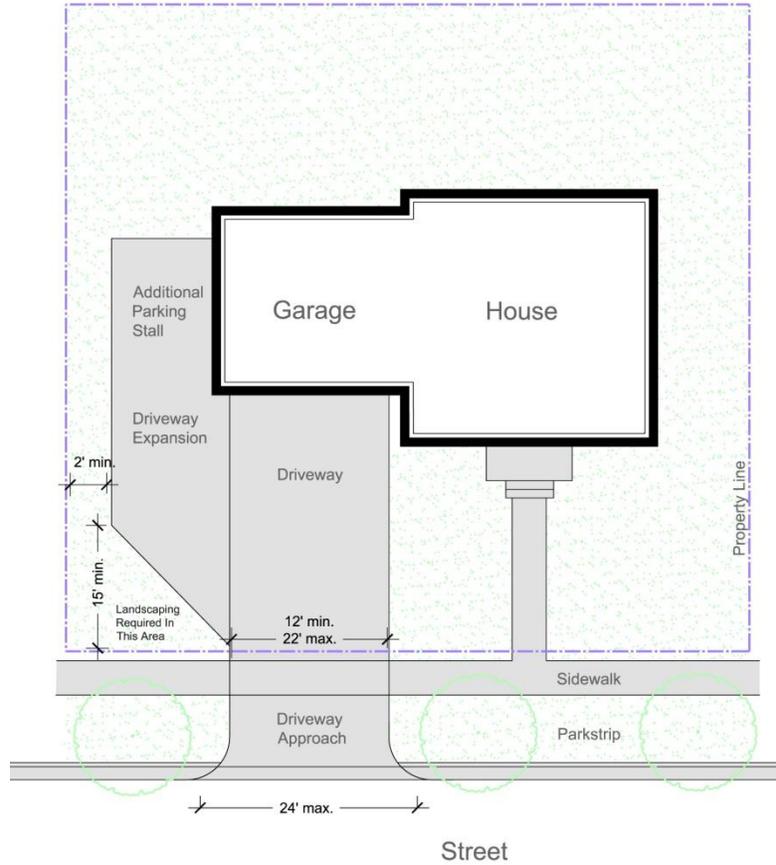
**D. Prohibited Accessory Structure.**

Shipping containers, semi-trailers, boxcars, or similar structures shall not be installed or maintained on residential properties.

**E. Driveways & Parking.**

1. The maximum width of the curb cut for private driveways is 24 feet. Within 15 feet of the right of way, the minimum width of a driveway shall be 12 feet while the maximum width of a driveway shall be 22 feet (See Figure 17.14.030.E.1).
2. No driveway shall be located closer than four (4) feet to another driveway (measured edge to edge) and no driveway shall be located closer to a side lot line than 2 feet. A shared driveway on two separate parcels is exempt from this provision; however, the width of a shared driveway shall not exceed 22'.
3. Corner lot driveways shall be located a minimum of 30 feet away from the corner, as measured from the corner or projected corner, of intersected property lines.
4. Only one driveway access is permitted per single family residential lot unless a second driveway access is permitted by the Director. A circular driveway may be permitted provided a minimum 100 foot separation between each driveway is maintained.
5. No parking is permitted in the front setback, unless in a permitted driveway on private property.

**Figure 17.14.030.E.1: Detached Garage/Accessory Structure Standards**



**§17.14.040 Variety of Housing – Multi-Family Residential**

**A. Purpose.**

The purpose of Section 17.14.040 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. Applicability.**

The provisions of Section 17.14.040 apply to all multi-family buildings and developments.



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



This



Not This

**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 façades 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 17.14.040.C.2);
- 2) Differing Mix of Materials (see Section 17.14.040.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);



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

## 17.14: General Development Standards: Residential Zones

- 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.

## 2. Articulation.

- 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 17.14.040.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



The long façade of a multi-family building is articulated through the use of porches, projections, varied roof forms and the expression of individual dwelling units.



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

## 17.14: General Development Standards: Residential Zones

breaks in roofline on sloped roofs. Where flat roofs are allowed, stepped parapets or cornices proportionate to the building elevation are required.

- f. Not more than 2 dwelling unit entrances shall be located on a face plane of any façade except in a Town House.



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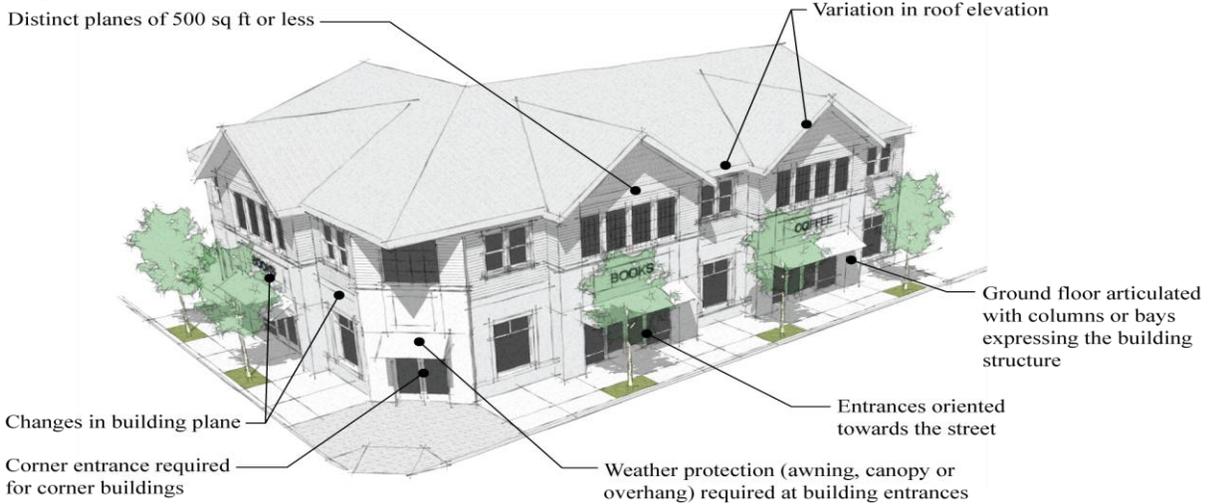
Not this

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 17.14.040.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 17.14.040.C.1: Multi-family Façade Variation & Articulation**



**Figure 17.14.040.C.2: Mixed Use Façade Variation and Articulation**



17.14: General Development Standards: Residential Zones

4. Building Placement and Orientation Standards.

- a. This section establishes building placement and orientation requirements for new 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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Not This

**§17.14.050 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 buildings and project in which it is serving. The minimum interior height for new commercial construction in the Campus Residential zone shall be 12’.



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

## 17.14: General Development Standards: Residential Zones

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 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.



### §17.14.060 Building Height Transition Areas

#### A. Purpose.

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. Applicability.

This section applies to all new commercial, industrial, mixed use and multi-family structures adjacent to, or within 150 feet of, the following Neighborhood Residential Zones (NR-2, NR-4, NR-6 & MH).

#### 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 17.14.060.C.1), the maximum building height of the proposed structure is determined as follows:

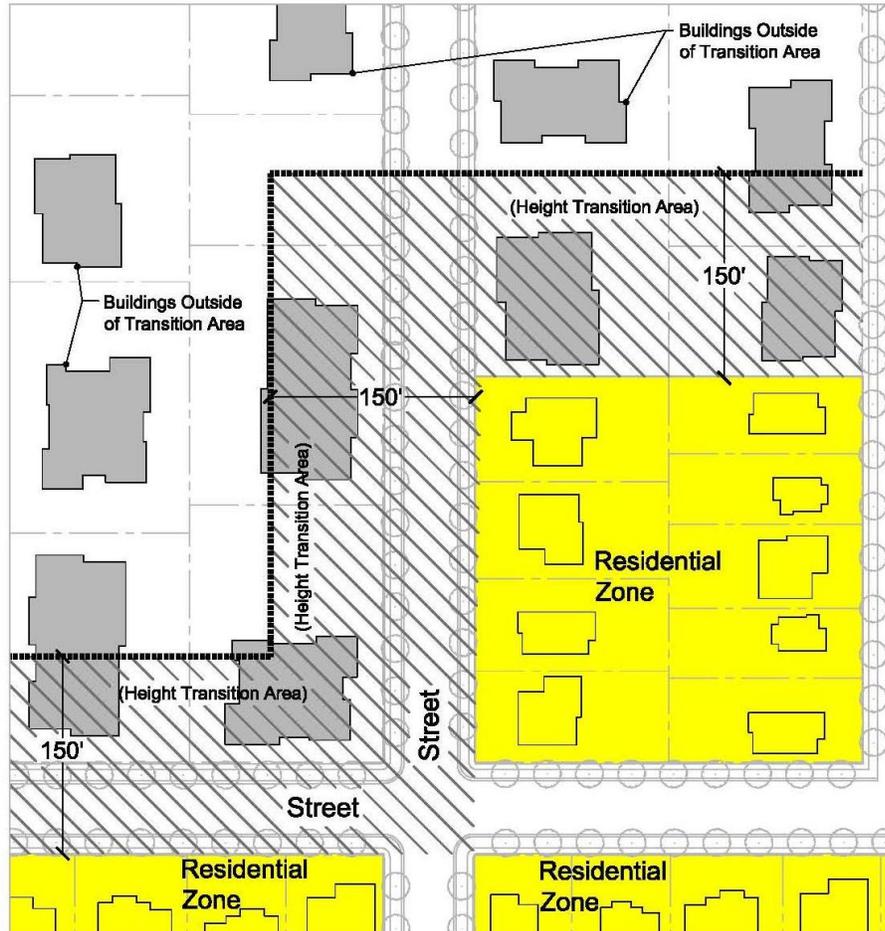
1. Beginning at the minimum setback line of the subject property, the maximum height is equivalent to the maximum height of the adjoining residential zone, or 35 feet, whichever is less.
2. Additional height for the proposed structure may be added at a ratio of one additional (1) vertical foot of building height to two (2) horizontal feet of distance from the nearest setback line (see Figure 17.14.060.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.



Buildings in transition areas should be appropriately scaled to fit the adjacent Neighborhood Zones.

4. This section does not waive or alter the maximum height requirements listed for each specific zone.

**Figure 17.14.060.C.1: 150' Height Transition Areas**



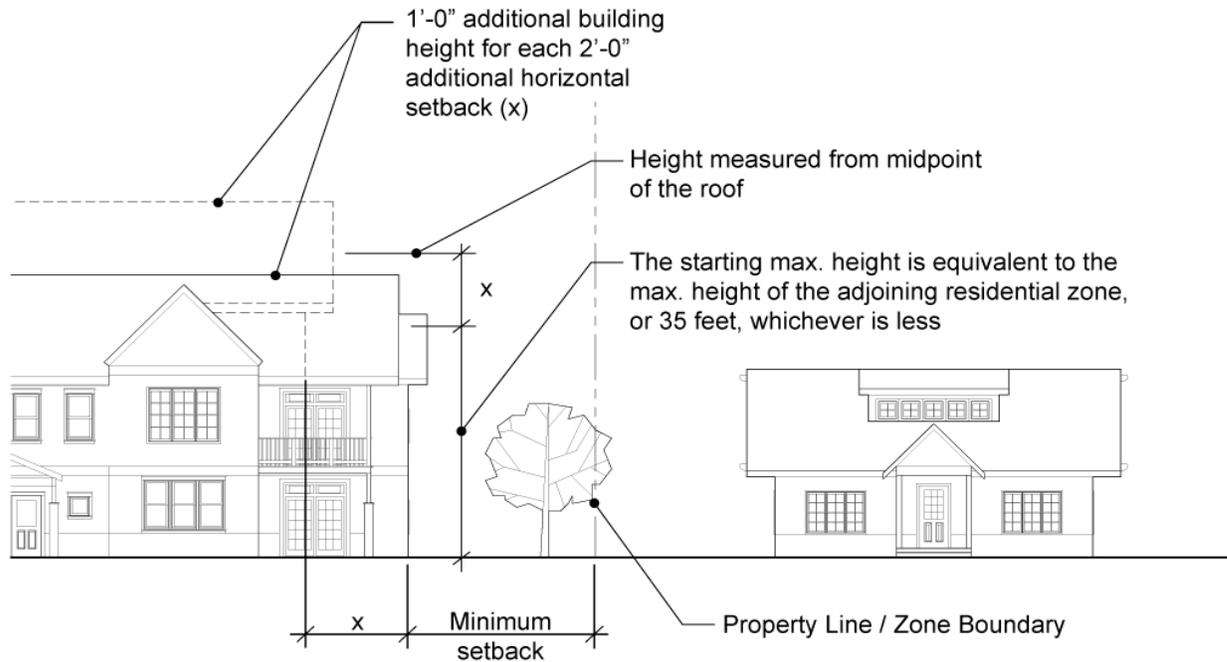
### §17.14.070 Buildable Area Extensions in Residential Zones

#### A. Purpose.

Section 17.14.070 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. Applicability.

Section 17.14.070 applies to all buildings in all residential zones.

**Figure 17.14.060.C.2: Building Height Transition**

### 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.

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## Chapter 17.15: Specific Development Standards: Residential Zones

### §17.15.010 Development Standards Purposes

The development standards contained in this Chapter are intended to ensure that development is consistent with a neighborhood's existing characteristics and building placement patterns, while guiding change to be consistent with the purpose of the residential zones. The development standards may be adjusted or modified only insofar as this Title authorizes modifications to development standards under Chapter 17.50 Design Review, Chapter 17.53 Variances, and the provisions below.

#### A. Density.

Density standards are expressed in dwelling units per acre (See 17.62 "Density") and establish the maximum number of units allowed in each specific zone.

#### B. Lot Size.

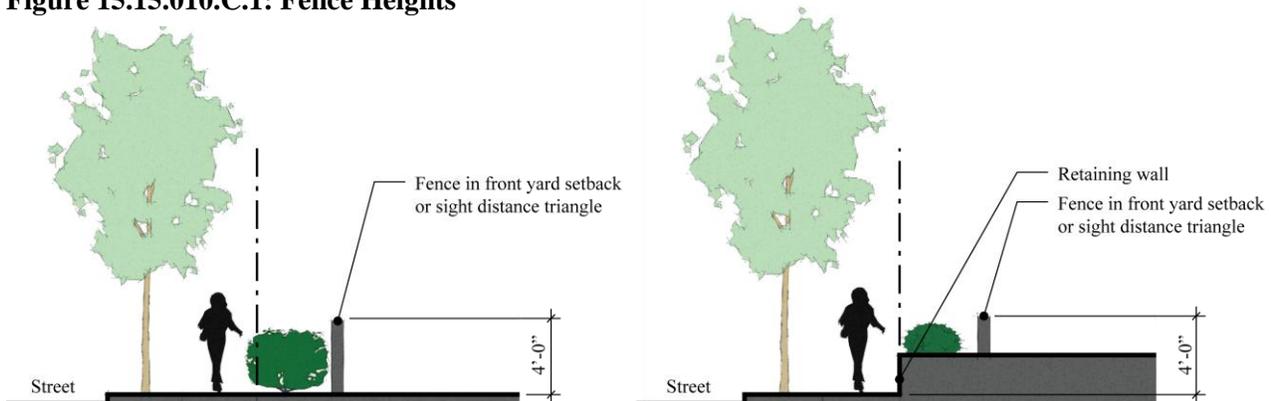
Minimum lot size shall conform to the lot standards in this Chapter.

#### C. Setbacks.

The minimum setback standards apply to all uses allowed within the Neighborhood Residential zones, except as follows:

1. Fence and retaining wall heights and locations are subject to Chapter 17.37, Supplemental Development Standards.
2. Additional setbacks may be required through Design Review or Conditional Permit approvals.
3. Canal Setbacks. All structures shall adhere to a minimum fifteen (15) foot setback from the top edge of all canals unless the canal company permits an alternative setback.

**Figure 15.15.010.C.1: Fence Heights**



#### D. Height.

The maximum height standards apply to all primary and accessory uses and structures allowed within the residential zones, except that the following may exceed the stated height limits by ten (10) feet: public water towers; penthouse structures for elevators, stairways; skylights; steeples; flag poles; and chimneys. Utility poles and public safety facilities may exceed height limits with a Conditional Use Permit.

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17.15: Specific Development Standards: Neighborhood Residential Zones**§17.15.020 Building Form Standards**

The building form standards (height, roof, windows, and elevations) are intended to ensure that new development is consistent with a neighborhood's building form and scale, while enhancing the built environment consistent with the purpose of the residential zones.

**§17.15.030 Appearance Standards**

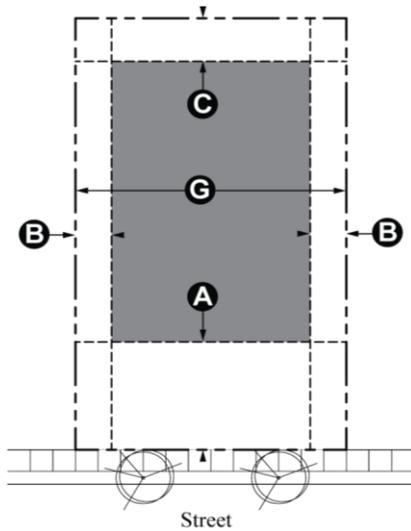
The building appearance standards (façade, materials, entrances, accessory structures) are intended to ensure that new development is consistent with neighborhood appearance and character, while enhancing the built environment consistent with the purpose of the residential zones.

**§17.15.040 Procedures for Review and Approval**

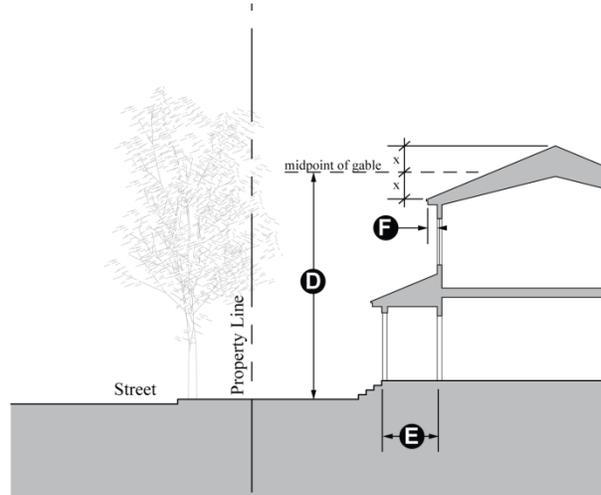
All proposed changes in land use and proposed developments shall be processed in accordance with the procedures and permit requirements in Chapters 17.46 through 17.60, as applicable.

17.15: Specific Development Standards: Neighborhood Residential Zones

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



Site Plan Diagram



Site Plan Diagram

Residential Density	
Units/Acre (max)	2
Site	
Min. Lot Size	15,000 sq ft <sup>2</sup>
<b>G</b> Lot Width (min. average/block)	120'
<small>(Lot width average does not apply to flag lots and courtyard homes).</small>	
Lot Coverage (max bldg. footprint)	50%
Setbacks	
<b>A</b> Front	25'
Corner	20'
<b>B</b> Side	8'
<b>C</b> Rear	10'
Canal (recognized top bank)	15'
<small>(Canal setback may be waived with written permission from appropriate canal company).</small>	
Open Space	
Not Required	
Parking	
Required Stalls	2.0 / Unit
Attached Garage	
Garages with street facing garage door(s) shall not extend more than 10' beyond the front plane of the primary structure (side entry garages-15' setback).	
Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.	

Accessory Structures/Detached Garages	
Building footprint shall not exceed 100% of the primary structure footprint.	
Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.	
Detached Garage Setback	
From front plane of Primary Structure (side-entry garage - 15' setback)	10'
Detached garage distance from rear or side of primary structure	6'
Side/Rear Setbacks (accessory structure)	
Structures less than 120 ft <sup>2</sup>	1'
Driveway	
<b>D</b> Driveway Width (min-max) (max width within the front yard setback)	12'-22'
Driveway Setback from side property line (shared driveway exempt)	2'
Driveway Access Curb Cut Width (max) (driveways shall lead to parking stalls located outside of building setbacks)	24'
Building Height	
<b>D</b> Primary Building (Max)	35'
Accessory Building (Max)	15'
Building Form	
<b>E</b> Covered Front Stoop/Porch (min. depth)	4'
Primary Roof Pitch	5:12
<b>F</b> Roof Overhang (min)	1'

**§17.15.050 Neighborhood Residential – (NR-2)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required. Garage is secondary to the primary structure.

**Building Materials**

No more than three (3) materials shall be used, excluding materials for fascia, soffit, and window trim. Materials shall be used uniformly on all street facing facades.

**Building Design**

Single wall planes may not exceed 500 square feet. Changes in wall planes shall be at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.020.C.4 *Articulation*.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.020.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

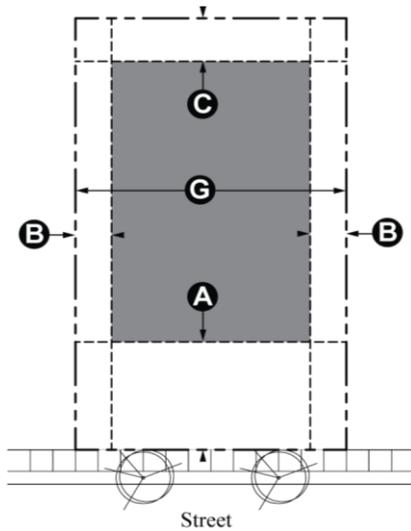
**Center Street/Historic District Overlay**

Subject to *Center Street Historic District Design Standards*.

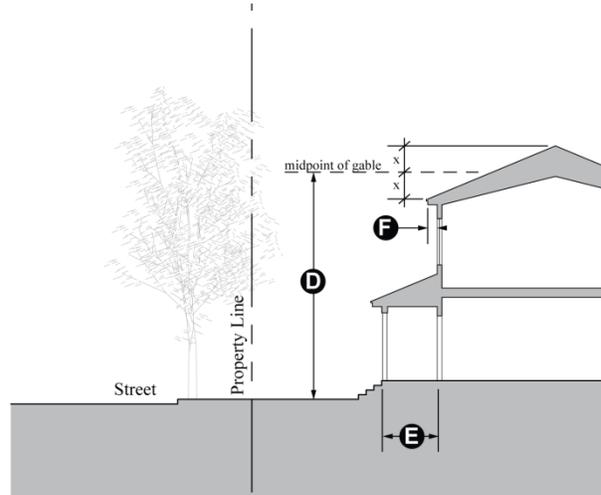
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

**§17.15.060 Suburban Neighborhood Residential (NR-4) Development Standards**



Site Plan Diagram



Site Plan Diagram

<b>Residential Density</b>	
Units/Acre (max)	4
<b>Site</b>	
Min. Lot Size	10,000 sq ft <sup>2</sup>
<b>G</b> Lot Width (min. average/block)	90'
<small>(Lot width average does not apply to flag lots and courtyard homes).</small>	
Lot Coverage (max bldg. footprint)	50%
<b>Setbacks</b>	
<b>A</b> Front	25'
Corner	20'
<b>B</b> Side	8'
<b>C</b> Rear	10'
Canal (recognized top bank)	15'
<small>(Canal setback may be waived with written permission from appropriate canal company).</small>	
<b>Open Space</b>	
Not Required	
<b>Parking</b>	
Required Stalls	2.0 / Unit
<b>Attached Garage</b>	
Garages with street facing garage door(s) shall not extend more than 10' beyond the front plane of the primary structure (side entry garages-15' setback).	
Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.	

<b>Accessory Structures/Detached Garages</b>	
Building footprint shall not exceed 100% of the primary structure footprint.	
Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.	
<b>Detached Garage Setback</b>	
From front plane of Primary Structure (side-entry garage - 15' setback)	10'
Detached garage distance from rear or side of primary structure	6'
<b>Side/Rear Setbacks (accessory structure)</b>	
Structures less than 120 ft <sup>2</sup>	1'
<b>Driveway</b>	
<b>Driveway Width (min-max)</b> (max width within 15' of street ROW)	12'-22'
<b>Driveway Setback from side property line</b> (shared driveway exempt)	2'
<b>Driveway Access Curb Cut Width (max)</b> (driveways shall lead to parking stalls located outside of building setbacks)	24'
<b>Building Height</b>	
<b>D</b> Primary Building (Max)	35'
Accessory Building (Max)	15'
<b>Building Form</b>	
<b>E</b> Covered Front Stoop/Porch (min. depth)	4'
Primary Roof Pitch	5:12
<b>F</b> Roof Overhang (min)	1'

**§17.15.060 Neighborhood Residential – (NR-4)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required. Garage is secondary to the primary structure.

**Building Materials**

No more than three (3) materials shall be used, excluding materials for fascia, soffit, and window trim. Materials shall be used uniformly on all street facing facades.

**Building Design**

Single wall planes may not exceed 500 square feet. Changes in wall planes shall be at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.020.C.4 *Articulation*.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.020.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

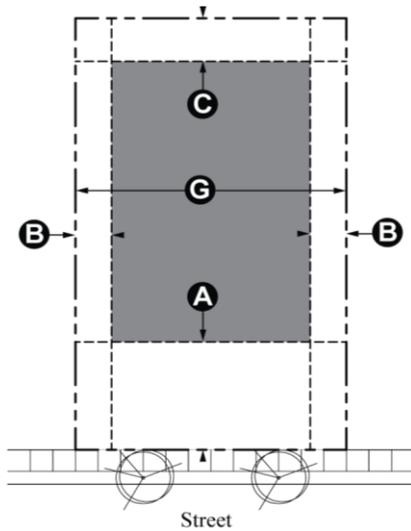
**Center Street/Historic District Overlay**

Subject to *Center Street Historic District Design Standards*.

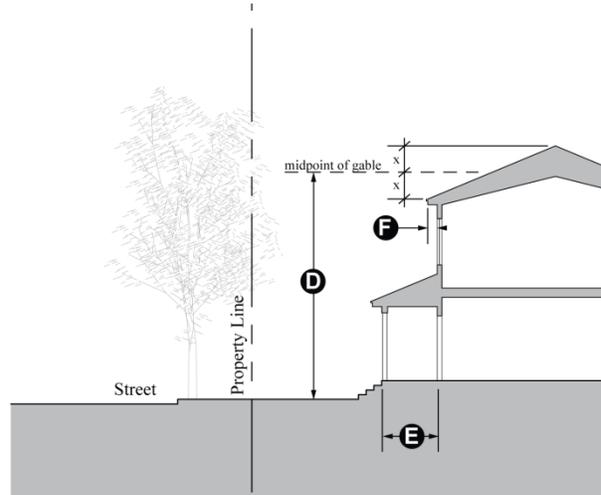
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

**§17.15.070 Traditional Neighborhood Residential (NR-6) Development Standards**



Site Plan Diagram



Site Plan Diagram

**Residential Density**

Units/Acre (max) 6

**Site**

Min. Lot Size 6,000 sq ft<sup>2</sup>

**G** Lot Width (min. average/block) 50'  
 (Lot width average does not apply to flag lots and courtyard homes).

Lot Coverage (max bldg. footprint) 60%

**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).

**Open Space**

Not Required

**Parking**

Required Stalls 2.0 / Unit

**Attached Garage**

Garages with street facing garage door(s) shall not extend more than 10' beyond the front plane of the primary structure (side entry garages-15' setback).

Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.

**Accessory Structures/Detached Garages**

Building footprint shall not exceed 100% of the primary structure footprint.

Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.

**Detached Garage Setback**

From front plane of Primary Structure 10'  
 (side-entry garage - 15' setback)

Detached garage distance from rear or side of primary structure 6'

**Side/Rear Setbacks (accessory structure)** 5'

Structures less than 120 ft<sup>2</sup> 1'

**Driveway**

**Driveway Width (min-max)** (max width within 15' of street ROW) 12'-22'

**Driveway Setback from side property line** (shared driveway exempt) 2'

**Driveway Access Curb Cut Width (max)** (driveways shall lead to parking stalls located outside of building setbacks) 24'

**Building Height**

**D** Primary Building (Max) 35'

Accessory Building (Max) 15'

**Building Form**

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

Primary Roof Pitch 5:12

**F** Roof Overhang (min) 1'

**§17.15.070 Neighborhood Residential - (NR-6)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required. Garage is secondary to the primary structure.

**Building Materials**

No more than three (3) materials shall be used, excluding materials for fascia, soffit, and window trim. Materials shall be used uniformly on all street facing facades.

**Building Design**

Single wall planes may not exceed 500 square feet. Changes in wall planes shall be at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.020.C.4 *Articulation*.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.020.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

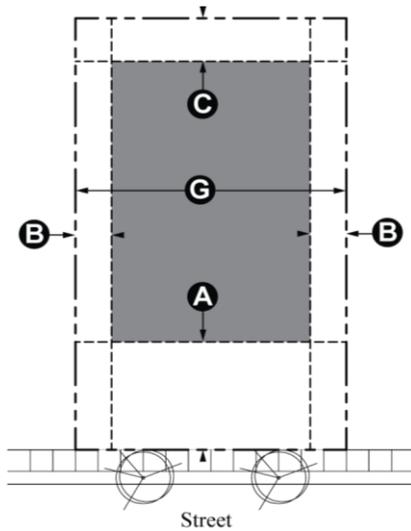
**Center Street/Historic District Overlay**

Subject to *Center Street Historic District Design Standards*.

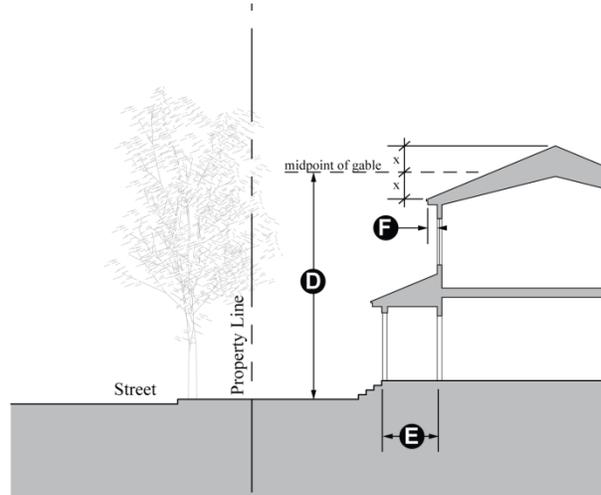
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

**§17.15.080 Mixed Residential (MR-9) Development Standards**



Site Plan Diagram



Site Plan Diagram

**Residential Density**

Units/Acre (max) 9

**Site**

Min. Lot Size 4,000 sq ft<sup>2</sup>

**G** Lot Width (min. average/block) 40'  
 (Lot width average does not apply to flag lots and courtyard homes).

Lot Coverage (max bldg. footprint) 70%

**Setbacks**

**A** Front 15'

Corner 15'

**B** Side – Common Wall 0

Side – Non Common Wall (min) 8'

**C** Rear 10'

Canal (recognized top bank) 15'

**Parking**

Required Stalls 2.0 / Unit

**Land Set Asides (17.35.020)**

Open Space 20 %

Useable Outdoor Space 10%

**Attached Garage**

Garages with street facing garage door(s) shall not extend more than 10' beyond the front plane of the primary structure (side entry garages-15' setback).

Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.

**Accessory Structures/Detached Garages**

Building footprint shall not exceed 100% of the primary structure footprint.

Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.

**Detached Garage Setback**

From front plane of Primary Structure (side-entry garage - 15' setback) 10'

Detached garage distance from rear or side of primary structure 6'

**Side/Rear Setbacks (accessory structure)** 5'

Structures less than 120 ft<sup>2</sup> 1'

**Driveway**

**Driveway Width (min-max)** (max width within 15' of street ROW) 12'-22'

**Driveway Setback from side property line** (shared driveway exempt) 2'

**Driveway Access Curb Cut Width (max)** (driveways shall lead to parking stalls located outside of building setbacks) 24'

**Building Height**

**D** Primary Building (Max) 35'

Accessory Building (Max) 15'

**Building Form**

**E** Covered Front Stoop/Porch (min-max depth) 4'

Primary Roof Pitch 5:12

**F** Roof Overhang (min) 1'

**§17.15.080 Mixed Residential - (MR-9)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required. Garage is secondary to the primary structure.

**Building Materials**

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.). See preferred materials. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.20.C.3.

**Building Design**

Front and side elevations must be divided into distinct planes of 500 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.040.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

**Open Space**

20% open space and 10% useable outdoor space required. May be aggregated in common exterior open space (courtyards, parks, pools, etc).

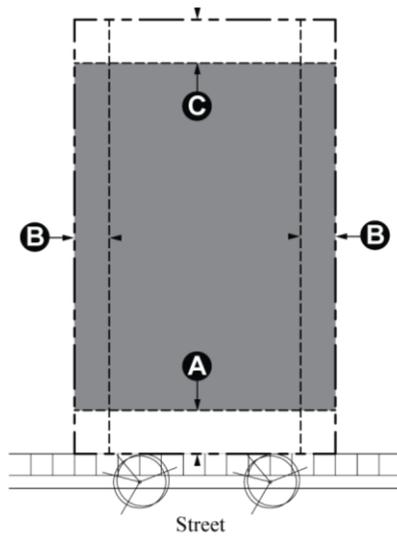
**Center Street/Historic District Overlay**

Subject to *Center Street Historic District Design Standards*.

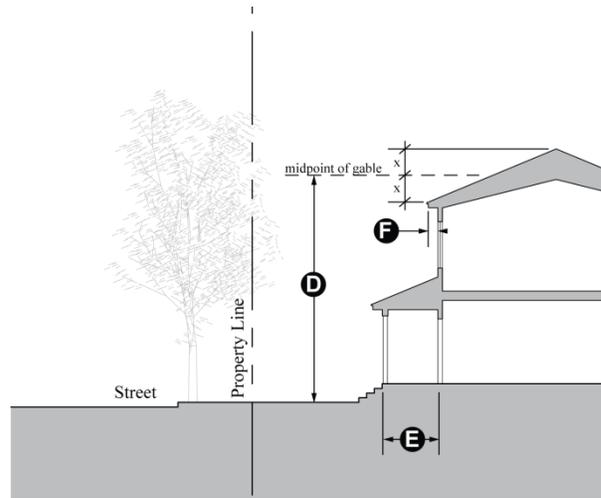
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

**§17.15.090 Mixed Residential Low (MR-12) Development Standards**



Site Plan Diagram



Site Plan Diagram

<b>Residential Density</b>	
Units/Acre (min-max)	12
<b>Site</b>	
Lot Coverage (max)	40%
Building Width at Frontage % at front setback (min)	75%
<b>Setbacks</b>	
<b>A</b> Front (min)	10'
Corner	10'
Front Opposite SFR (min)	25'
<b>B</b> Side – Common Wall (min)	0'
Side – Non Common Wall (min)	8'
Side – Adjacent to NR Zone	25'
<b>C</b> Rear (min)	10'
Rear – Adjacent to NR Zone	25'
<b>Parking</b>	
<b>Parking Setbacks</b>	
<b>Parking – Front (min)</b>	10'
<i>(setback measured from the longest portion of front wall plane of the primary structure)</i>	10'
<b>Parking – Side/Rear (min)</b>	5'
<b>Required Stalls</b>	2/Unit
<i>(For alternative parking requirements, see Section 17.38)</i>	
<b>Driveway Width</b>	24'
<i>(max width within 15' of street ROW)</i>	

<b>Land Set Asides (17.35.020)</b>	
Open Space	20 %
Useable Outdoor Space	10%
<b>Building Form</b>	
<b>Heights</b>	
<b>D</b> Primary Building (max)	35'
Fences & Walls – Front (max)	4'
Fences & Walls – Side/Rear Yard	6'
<b>E</b> Front Stoop/Porch (min-max depth)	4'-10'
<b>Roofs</b>	
Roof Types	Flat or Sloped
<i>(Flat roof requires Track 2 approval)</i>	
Sloped Roof Pitch (min)	5:12
<b>F</b> Roof Overhang (min)	1'
<b>Windows</b>	
Window trim, including sills, shutters and/or surround (min)	4"
% of front facade coverage	15%
<b>Facades</b>	
See Section 17.14.030	
<b>Pedestrian Access</b>	
Buildings shall not exceed 120' in horizontal distance. Minimum 20' breaks shall provide pedestrian access ways to common areas or rear alleys.	
<b>Parking Location</b>	
Location	Rear or Side
<i>(If located to the side, garage shall be set back from the front plane of the house by a minimum of 10')</i>	

**§17.15.090 Mixed Residential Low - (MR-12)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required.

**Building Materials**

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.). See preferred materials. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.020.C.3.

**Building Design**

Front and side elevations must be divided into distinct planes of 500 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.040.

**Open Space**

20% open space and 10% useable outdoor space required. May be aggregated in common exterior open space (courtyards, parks, pools, etc).

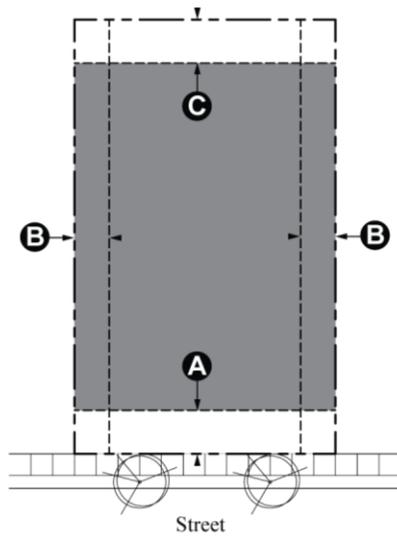
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

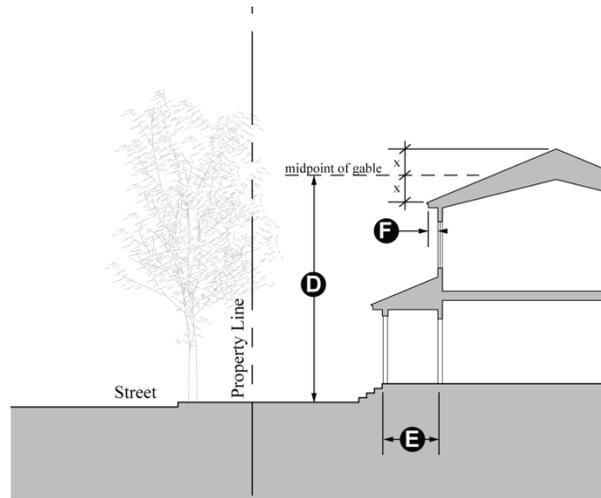
**Variety of Building Types**

MR-12 developments must provide at least two Neighborhood Residential Structure Types. For MR-12 projects exceeding 80 units, at least three Neighborhood Residential Structure Types shall be provided. For MR-12 projects exceeding 120 units, at least 20% of the use and structure type shall be Front Yard House-detached housing structure type.

**§17.15.100 Mixed Residential Medium (MR-20) Development Standards**



Site Plan Diagram



Site Plan Diagram

<b>Residential Density</b>	
Units/Acre (min-max)	20
<b>Site</b>	
Lot Coverage (max)	60%
Building Width at Frontage % at front setback (min)	75%
<b>Setbacks</b>	
<b>A</b> Front (min)	10'
Corner	10'
Front Opposite SFR (min)	25'
<b>B</b> Side – Common Wall (min)	0'
Side – Non Common Wall (min)	8'
Side – Adjacent to NR Zone	25'
<b>C</b> Rear (min)	10'
Rear – Adjacent to NR Zone	25'
<b>Parking</b>	
<b>Parking Setbacks</b>	
<b>Parking – Front (min)</b>	10'
<i>(setback measured from the longest portion of front wall plane of the primary structure)</i>	10'
<b>Parking – Side/Rear (min)</b>	5'
<b>Required Stalls</b>	2/Unit
<i>(For alternative parking requirements, see Section 17.38)</i>	
<b>Driveway Width</b>	24'
<i>(max width within 15' of street ROW)</i>	

<b>Land Set Asides (17.35.020)</b>	
Open Space	20 %
Useable Outdoor Space	10%
<b>Building Form</b>	
<b>Heights</b>	
<b>D</b> Primary Building (max)	45'
Fences & Walls – Front (max)	4'
Fences & Walls – Side/Rear Yard	6'
<b>E</b> Front Stoop/Porch (min-max depth)	4'-10'
<b>Roofs</b>	
Roof Types	Flat or Sloped
<i>(Flat roof requires Track 2 approval)</i>	
Sloped Roof Pitch (min)	5:12
<b>F</b> Roof Overhang (min)	1'
<b>Windows</b>	
Window trim, including sills, shutters and/or surround (min)	4"
% of front facade coverage	15%
<b>Facades</b>	
See Section 17.14.030	
<b>Pedestrian Access</b>	
Buildings shall not exceed 120' in horizontal distance. Minimum 20' breaks shall provide pedestrian access ways to common areas or rear alleys.	
<b>Parking Location</b>	
Location	Rear or Side
<i>(If located to the side, garage shall be set back from the front plane of the house by a minimum of 10')</i>	

**§17.15.100 Mixed Residential Medium - (MR-20)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required.

**Building Materials**

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.). See preferred materials. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.020.C.3.

**Building Design**

For buildings less than 35' in height, front, side and street facing elevations must be divided into distinct planes of 500 square feet or less. For building greater than 35' in height, front, side and street facing elevations must be divided into distinct planes of 1,000 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.040.

**Open Space**

20% open space and 10% useable outdoor space required. May be aggregated in common exterior open space (courtyards, parks, pools, etc).

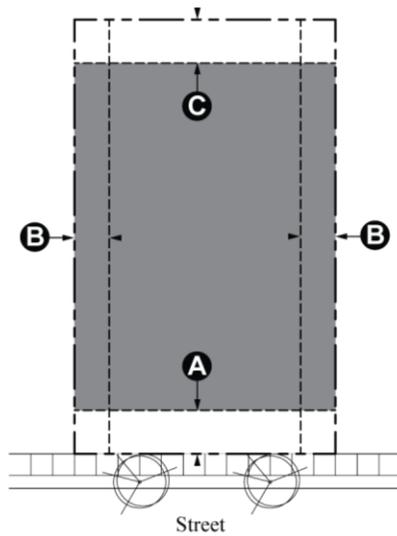
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

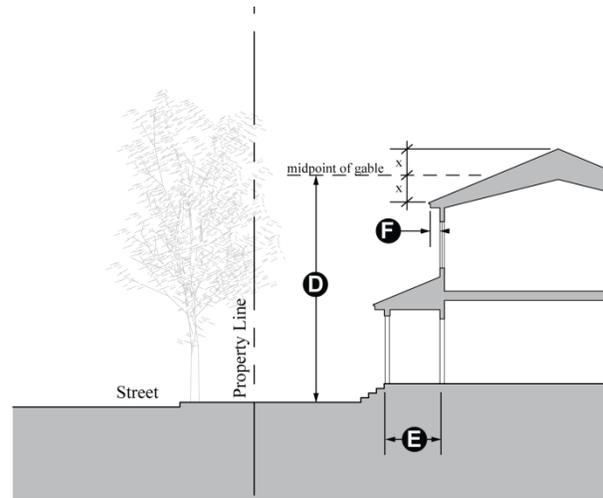
**Variety of Building Types**

MR-20 developments must provide at least two Neighborhood Residential Structure Types.

**§17.15.110 Mixed Residential High (MR-30) Development Standards**



Site Plan Diagram



Site Plan Diagram

<b>Residential Density</b>	
Units/Acre (min-max)	30
<b>Site</b>	
Lot Coverage (max)	60%
Building Width at Frontage % at front setback (min)	75%
<b>Setbacks</b>	
<b>A</b> Front (min)	10'
Corner	10'
Front Opposite SFR (min)	25'
<b>B</b> Side – Common Wall (min)	0'
Side – Non Common Wall (min)	8'
Side – Adjacent to NR Zone	25'
<b>C</b> Rear (min)	10'
Rear – Adjacent to NR Zone	25'
<b>Parking</b>	
<b>Parking Setbacks</b>	
<b>Parking – Front (min)</b>	10'
<i>(setback measured from the longest portion of front wall plane of the primary structure)</i>	10'
<b>Parking – Side/Rear (min)</b>	5'
<b>Required Stalls</b>	2/Unit
<i>(For alternative parking requirements, see Section 17.38)</i>	
<b>Driveway Width</b>	24'
<i>(max width within 15' of street ROW)</i>	

<b>Land Set Asides (17.35.020)</b>	
Open Space	20 %
Useable Outdoor Space	10%
<b>Building Form</b>	
<b>Heights</b>	
<b>D</b> Primary Building (max)	55'
Fences & Walls – Front (max)	4'
Fences & Walls – Side/Rear Yard	6'
<b>E</b> Front Stoop/Porch (min-max depth)	4'-10'
<b>Roofs</b>	
Roof Types	Flat or Sloped
<i>(Flat roof requires Track 2 approval)</i>	
Sloped Roof Pitch (min)	5:12
<b>F</b> Roof Overhang (min)	1'
<b>Windows</b>	
Window trim, including sills, shutters and/or surround (min)	4"
% of front facade coverage	15%
<b>Facades</b>	
See Section 17.14.030	
<b>Pedestrian Access</b>	
Buildings shall not exceed 120' in horizontal distance. Minimum 20' breaks shall provide pedestrian access ways to common areas or rear alleys.	
<b>Parking Location</b>	
Location	Rear or Side
<i>(If located to the side, garage shall be set back from the front plane of the house by a minimum of 10')</i>	

**§17.15.110 Mixed Residential High - (MR-30)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required.

**Building Materials**

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.). See preferred materials. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.20.C.3.

**Building Design**

For buildings less than 35' in height, front, side and street facing elevations must be divided into distinct planes of 500 square feet or less. For building greater than 35' in height, front, side and street facing elevations must be divided into distinct planes of 1,000 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.040.

**Open Space**

20% open space and 10% useable outdoor space required. May be aggregated in common exterior open space (courtyards, parks, pools, etc).

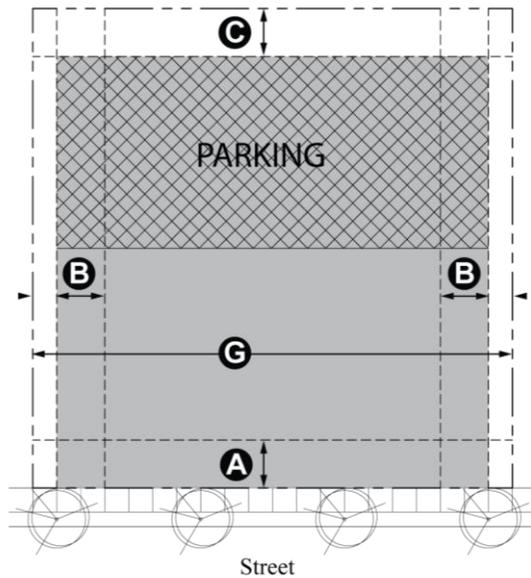
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

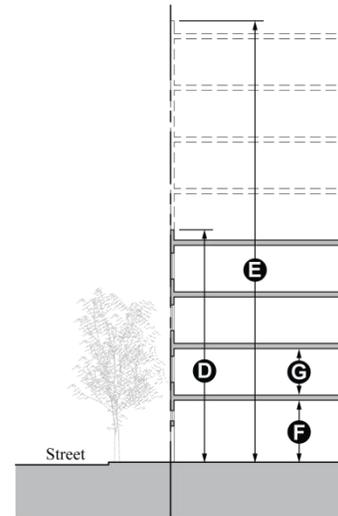
**Variety of Building Types**

MR-30 developments must provide at least two Neighborhood Residential Structure Types.

**§17.15.120 Campus Residential (CR) Development Standards**



Site Plan Diagram



Site Plan Diagram

<b>Residential Density</b>	
Units/Acre (max)	40
<b>Site</b>	
<b>Lot</b>	
Size (min)	6,000 ft <sup>2</sup>
<b>G</b> Lot Width (min)	60'
Coverage (max)	60%
<b>Setbacks</b>	
<b>A</b> Front (min)	10'
Front – Opposite NR Zones	25'
<b>B</b> Side - Common Wall (min)	0'
Side -Non Common Wall (min)	8'
Side Adjacent to NR Zones	25'
<b>C</b> Rear (min)	10'
Rear Adjacent to NR Zones	25'
See Section 17.14.050 for additional setback requirements if adjacent to a residential zone.	
<b>Building Frontage</b>	
% at front setback (min)	50%
% at side setback	NA
<b>Parking</b>	
Residential	1 parking stall per occupant
(Unless an Alternative Parking Plan is approved)	
<b>Parking Setbacks</b>	
<b>Parking – Front (min)</b>	10'
<i>(setback measured from the longest portion of front wall plane of the primary structure)</i>	
<b>Parking – Side/Rear (min)</b>	5'

<b>Land Set Asides (17.35.020)</b>	
Open Space	20 %
Useable Outdoor Space	10%
<b>Non-residential Uses in CR</b>	
Non residential uses shall not exceed 25% of total first floor square footage and shall be located on ground floor only (see use table).	
<b>Building Form</b>	
<b>Heights</b>	
<b>D</b> Primary Building Height	55'
Fences – Front (max)	4'
Fences – Side/Rear (max)	6'
<b>Stoop / Porch (min-max)</b>	2'-4'
<b>Floor Height (floor to ceiling)</b>	
Commercial use on ground floor	12'
<b>Roofs</b>	
Roof Types	Flat or Sloped
Sloped Roof Pitch (min)	5:12
(Flat roof requires Track 2 approval)	
Roof Overhang	1'
<b>Parking Location</b>	
Location	Rear or Side
Structure	Above/ Below/ Behind
(See Parking Location Figure 17.15.120)	
Surface	Rear or Side

**§17.15.120 Campus Residential (CR)****Appearance****Elevations**

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g., recess, and/or changes in color or material).

**Weather Protection**

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhangs, etc.).

**Building Materials**

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.) for street-facing elevations. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.020.C.3.

**Building Design**

For buildings less than 35' in height, front, side and street facing elevations must be divided into distinct planes of 500 square feet or less. For buildings greater than 35' in height, front, side and street facing elevations must be divided into distinct planes of 1,000 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

**Open Space**

20% open space and 10% useable outdoor space required. May be aggregated in common exterior open space (courtyards, parks, pools, etc).

**Pedestrian Entrances**

A functioning pedestrian entrance is required along each frontage. Buildings with two frontages may substitute an angled entrance at the corner.

**Building Mass**

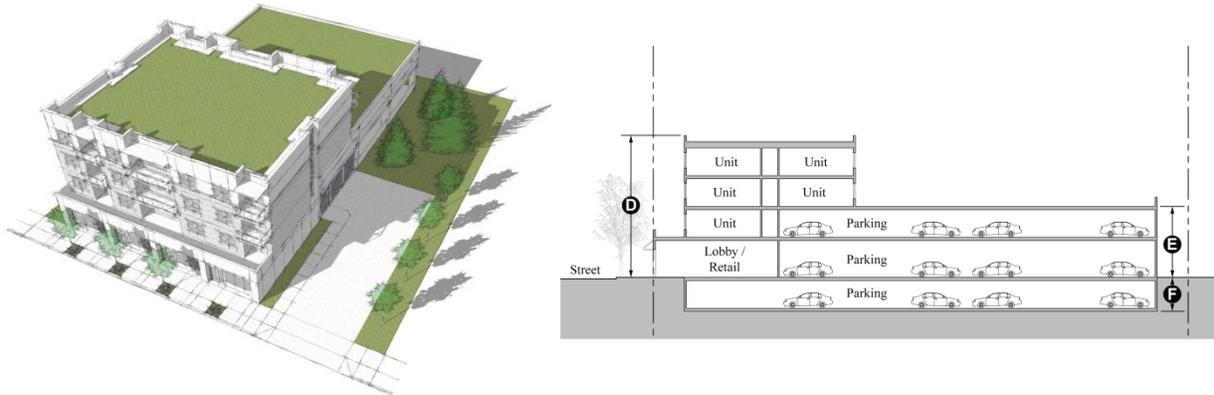
A Building shall not exceed 120 feet in length. There shall be a minimum separation between buildings of at least 20 feet to provide for common open space or pedestrian access.

**Other****Compliance with Other Standards**

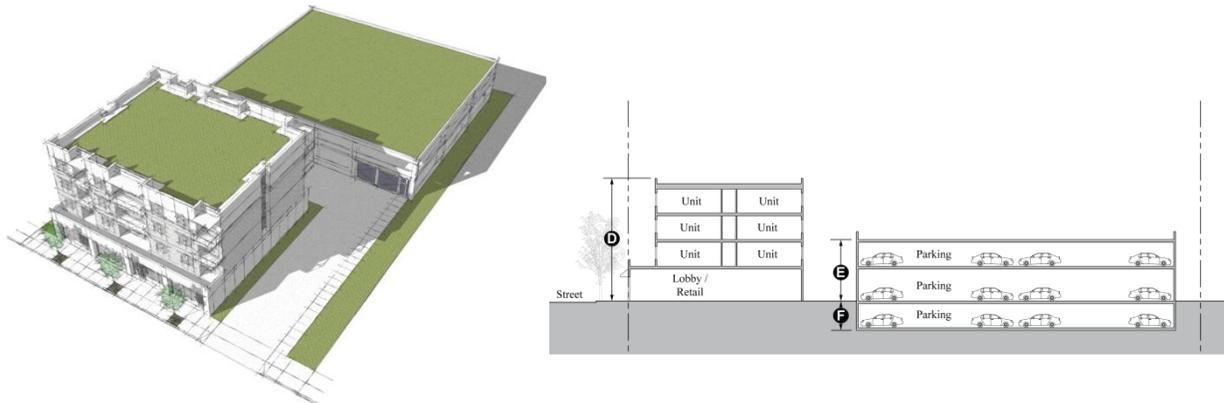
Compliance with all other applicable sections of the Logan Land Development Code is required.

**Figure 17.15.120 Parking Structure Standards – Campus Residential**

Structured parking in the Campus Residential Zones is required to be above, below, or behind the building.



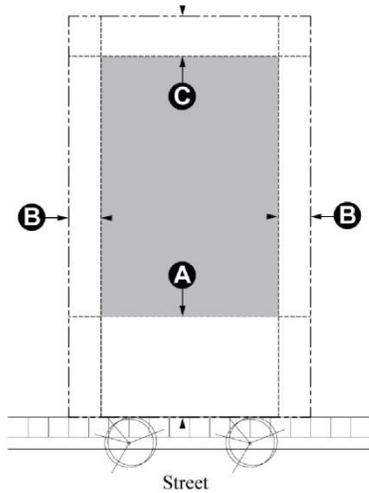
Example of parking location when attached as part of a building.



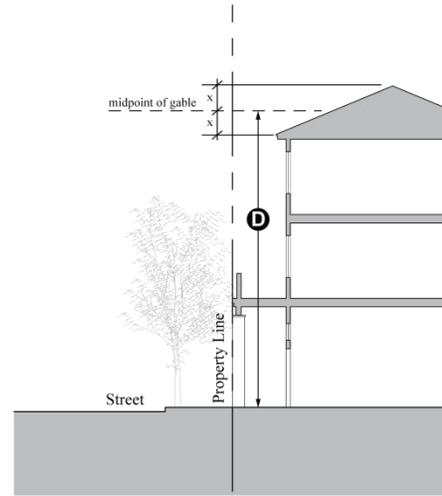
Example of parking location when detached from a building

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**§17.15.130 Neighborhood Center (NC) Development Standards**



Site Plan Diagram



Site Section Diagram

<b>Residential Density</b>	
Units/Acre	9
<b>Commercial Footprint Area</b>	
Per Parcel in a Neighborhood Center (C.U. Permit may allow up to 5,000 SF max.)	3,000 SF
<b>Site</b>	
<b>Lot</b>	
Coverage (max)	60%
No Drive-Thru lane or window.	
No Outside Storage.	
<b>Setbacks</b>	
<b>A</b> Front (min-max)	10'-25'
Corner	10'-25'
<b>B</b> Side (min)	8'
<b>C</b> Rear (min)	10'
<b>Building Frontage</b>	
% at front setback (min)	75%
<b>Parking</b>	

Parking is not permitted between the structure and the street in the NC zone. The NC zone is intended for neighborhood traffic and shall be designed at pedestrian scale. See Chapter 17.38 Parking Regulations.

**Landscaping**

Landscape buffers shall be provided between parking areas and adjacent residential properties. Additional landscaping may be required as per the Design Review process to buffer adjacent residential properties. See Chapter 17.39 Landscaping.

**Building Form**

<b>Heights</b>	
<b>D</b> Primary Building (max)	35'
Accessory (max)	15'
Fences & Walls – Front (max)	4'
Fences & Walls – Side/Rear Yard	6'
<b>Roofs</b>	
Roof Types	Flat or Sloped
(Flat roof requires Track 2 approval)	
(Parapets are required for flat roofs – min 3 feet )	
Sloped Roof Pitch (min)	5:12
Roof Overhang	6"

<b>Transparency</b>	
Ground Floor Frontages (street facing min)	50%

**Elevations**  
Front, side and rear elevations shall be divided into distinct planes of 500 sq. ft. or less. Changes in wall plane shall project or recess at least 1 ft for a length of at least 6 ft.

**§17.15.130 Neighborhood Center (NC)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required. Buildings with two (2) frontages shall have an angled entrance at the corner(s). Commercial entrances required every 40' (min) on center.

**Building Design**

Front and side elevations must be divided into distinct planes of 500 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

**Weather Protection**

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhangs).

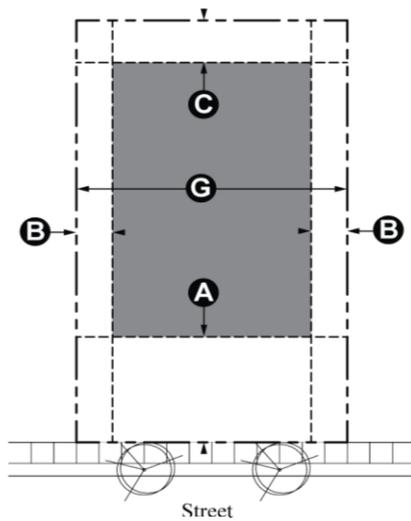
**Building Materials**

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.) for street-facing elevations. See preferred materials. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.20.C.3.

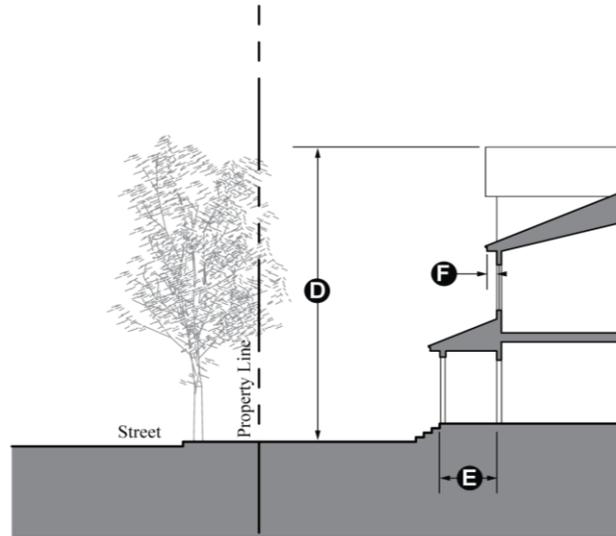
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required, including but not limited to: Chapter 17.11, General Development Standards - All Zones; Chapter 17.14, General Development Standards, Neighborhood Zones (residential uses); Chapter 17.18, General Development Standards, Districts and Corridors Zones (non-residential uses); applicable Overlay Zones; Chapter 17.35, Open Space; Chapter 17.36, Standards, Specifications, and Improvements; Chapter 17.38, Parking; Chapter 17.39, Landscaping; Chapter 17.40, Signs; Chapter 17.45, Wireless Communication Facilities; and Chapter 17.54, Specific Plan Overlays.

**§17.15.140 Resource Conservation (RC) Development Standards**



Site Plan Diagram



Site Plan Diagram

**Residential Density**

Units/Acre (min-max) (1unit/40 ac)

**Site**

Lot Size (min.-max) 20,000

**G** Lot Width (average/block) 140'

Lot Coverage (max bldg. footprint) 40%

\*Lot width average does not apply to cluster homes on individual lots.

**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).

**Open Space**

Not Required

**Parking**

Required Stalls 2.0 / Unit

**Attached Garage**

Garages with street facing garage door(s) shall not extend more than 10' beyond the front plane of the primary structure (side entry garages-15' setback).

Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.

**Accessory Structures/Detached Garages**

Building footprint shall not exceed 100% of the primary structure footprint.

Maximum width of street facing garage doors shall not exceed 50% percent of the overall width of the primary structure.

**Detached Garage Setback**

From front plane of Primary Structure (side-entry garage - 15' setback) 10'

Detached garage distance from rear or side of primary structure 6'

**Side/Rear Setbacks (accessory structure)** 5'

Structures less than 120 ft<sup>2</sup> 1'

**Driveway**

**Driveway Width (min-max)** (max width within 15' of street ROW) 12'-24'

**Driveway Setback from side property line** (shared driveway exempt) 2'

**Driveway Access Curb Cut Width (max)** (driveways shall lead to parking stalls located outside of building setbacks) 24'

**Building Height**

**D** Primary Building (Max) 35'

Accessory Building (Max) 15'

**Building Form**

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

Primary Roof Pitch 5:12

**F** Roof Overhang (min) 1'

**§17.15.140 Resource Conservation (RC)****Appearance****Entrances**

Principal door must be oriented to the street. Porches/stoops required.

**Building Materials**

No more than three (3) materials shall be used, excluding materials for fascia, soffit, and window trim. Materials shall be used uniformly on all four (4) facades.

**Façade Variation**

May not possess the same façade as adjacent units as per Section 17.14.040.C.1.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch and detailing, unless use of structure is a functional agricultural building.

**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

## Chapter 17.16: District and Corridor Zones

### §17.16.010. Overall Purpose

The purpose of this Chapter is to implement the applicable goals, policies, directives and actions of the Logan General Plan's commercial, industrial and mixed use areas. "Districts" are commercial or mixed use centers whereas "Corridors" are commercial or mixed-use areas that are generally aligned along major transportation routes.

The Districts and Corridors zones implement the following principles and policies from the Logan General Plan:

- Develop a stable economic environment for residents and businesses which maintains Logan as the economic center of the valley.
- Keep jobs, shopping, and residential life the focus of activity in central and downtown Logan.
- Foster quality development that increases the quality of life and attractiveness of Logan.
- Encourage both mixed use zones and a mixture of uses within each of the zones where appropriate.
- Maintain Logan's traditional atmosphere, as expressed in building and site design.
- Promote beautification and improve the City's overall cleanliness.
- Revitalize Logan's downtown.
- Enhance and beautify the gateways into the City.
- Encourage new residential growth within and adjacent to the downtown area.
- Foster growth and expansion in and around the Cache-Logan airport, building an economic base in the northwest of the city.

### §17.16.020. 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 17.16.020 lists the Future Land Use Plan categories and corresponding zones.

**Table 17.16.020 General Plan Land Use Districts and Implementing Districts and Corridors Zones**

General Plan Designation	Zone Designation
Town Center (TC)	Town Center (TC)
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 Park (IP)
Airport (AP)	Airport (AP)

**§17.16.040 Districts and Corridor Zones****A. Town Center (TC)**

The intent of the Town Center (TC) zone is to promote and complement the historic and cultural center of Logan and to ensure that the downtown continues to be the central hub for both Logan and the Cache Valley. The Town Center zone encourages a mix of retail, office, entertainment, residential, and civic uses with a variety of entertainment and cultural activities, consistent with The Downtown Logan Specific Plan.

1. The Town Center development and design standards are intended to implement the following objectives:
  - a. Foster a compact, walkable urban form with greater intensity focused along Main Street.
  - b. Provide a mix of complementary uses, with ground floor spaces reserved for commercial and civic uses, while residential and office uses should be located in upper building stories.
  - c. Promote high quality civic spaces that serve as public gathering places and provide space for outdoor dining, festivals and other community events.
  - d. Ensure pedestrian-scale building and streetscape designs that conceal parking and emphasize pedestrian uses.
  - e. Provide internal shared parking courts or parking structures on each block.
  - f. Promote high quality architecture that complements existing historic structures and Logan's unique sense of place in Cache Valley.

**2. Main Street**

The Main Street frontage of the Town Center is dominated by multi-story historic buildings that are critical to the historic value of the downtown. The Main Street area within the Town Center is uniquely important because it defines the image and quality of central Logan and the entire city. New development shall ensure the preservation and enhancement



## 17.16: District and Corridor Zones

of the historic heart of Logan. This Main Street portion of the Town Center is defined by the properties which front on Main Street between 200 S and 500 N. This area is further regulated by the Downtown Logan Specific Plan and the General Plan with the following intent:

- a. Ensure Main Street is pedestrian friendly.
- b. Create green civic spaces for suitable for public gathering.
- c. Increase residential living opportunities.
- d. Protect and maintain the irreducible structures, spaces, and skylines.
- e. Ensure new buildings are consistent with historic preservation guidelines for the period of 1890-1930.
- f. Enhance existing storefronts by maintaining a continuous build-to line and storefront character along retail frontages.
- g. Focus the tallest building heights (up to 5 stories) along Main Street, with step-downs to adjacent properties within the Town Center and adjacent zones.



## 17.16: District and Corridor Zones

## A. Commercial (COM)

Commercial areas are 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 so long as it is integrated into the design and function of the commercial project (not free standing residential structures). Multi-story buildings are encouraged to maximize the density of development. Residential development is encouraged in the Commercial zone when it is designed as an integral part of a commercial project. The preferred pattern for residential development within the commercial zone is designing residential living space above commercial space.

New, infill, and redevelopment projects will have buildings that meet high architectural standards, are constructed of quality building materials, are laid out with an emphasis on pedestrian-orientation (i.e., connectivity and quality pedestrian ways), and which are provided with attractive landscapes that provide shade, interest, and help screen parking areas located at the rear or sides of main buildings.

## 1. Main Street Corridor.

Within portions of the Commercial Zone, the Main Street Corridor plays a vital role for promoting business activity. The Main Street Corridor is intended to ensure that development along Main Street outside of the downtown core provides for commercial activity that is attractive and economically vital. Development within this zone shall provide the following:

- a. A transition toward a more compact urban form with more multi-story buildings and structured parking as economics allow.
- b. Coordination between adjacent properties regarding parking, access, circulation, and landscape design.



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17.16: District and Corridor Zones

- c. Buildings oriented to streets in order to maintain and enhance pedestrian scale.
- d. High quality pedestrian areas.
- e. High quality architectural standards using quality materials.
- f. A highly landscaped character along Main Street.
- g. Minimization of the visual impacts of parking areas.
- h. Transit-oriented design and land uses near transit stops.
- i. Appropriate transitions in building intensity and landscaped setbacks adjacent to neighborhoods.

## 17.16: District and Corridor Zones

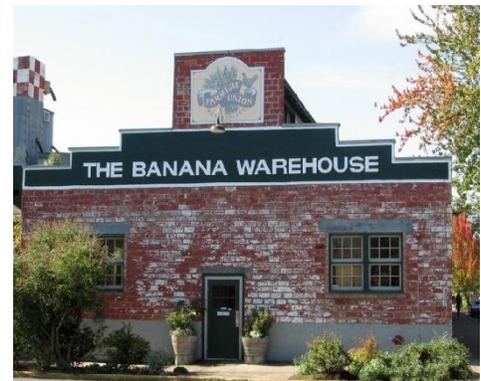
## C. Community Commercial (CC)

The purpose of the Community Commercial Zone is to encourage small scale commercial activity by providing for a limited range of appropriately scaled, commercial uses compatible with existing neighborhoods and surrounding residential areas. This zone also encourages the preservation of existing historic structures through an active adaptive reuse program where small, community based, commercial uses are permitted.

Community Commercial areas are intended for small retail and professional offices in areas located around the edges of the downtown area or even within existing buildings elsewhere in the City. These areas currently contain a number of 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.

The Community Commercial will typically serve a wide ranging population including those in the immediate neighborhood as well as citywide. 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. Existing Community Commercial uses will rely less on stand-alone off-street parking lots and more on shared parking areas.

In order to ensure the types of uses and activities contemplated are compatible with adjoining residential uses, many of the uses in the Community Commercial zone are permissible only through the Conditional Use process. The decision making body will need to evaluate potential impacts from parking, hours of operation, customer traffic, lighting, noise, etc., and adequately condition commercial uses within this zone to minimize potential impacts to surrounding properties.



## 17.16: District and Corridor Zones

**B. Mixed Use (MU)**

Mixed Use (MU) areas have concentrations of commercial and office uses with residential uses integrated into the overall project design. Mixed Use developments shall have both a residential and a commercial component and shall be scaled to ensure consistency with the surrounding neighborhoods. Residential development is required within a range of 4 to 30 dwelling units per acre.

Mixed Use projects can utilize “horizontal” mixed use where commercial, office and residential uses are designed as a single project, yet constructed in separate and distinct building footprints.

Mixed Use projects in the more urbanized area are encouraged to employ “vertical” mixed use design strategies where commercial, office and residential uses are designed as a single project and constructed within the same footprint. Vertical Mixed Use promotes pedestrian oriented commercial and retail uses on the main level and office and/or residential uses on the upper floors.

Mixed Use projects utilizing vertical mixed use are eligible for a residential density bonus of up to 30% provided other applicable standards are met.

Mixed Use areas are compact and designed for people to live, work and play within a walkable center. Existing or future public transit shall be integrated into Mixed Use centers providing options for transportation. The Mixed Use Zone is intended to be somewhat self sufficient as it provides a resident customer base to support commercial businesses. Mixed Use projects will be pedestrian oriented with an emphasis on quality urban design and landscaping. The Mixed Use designation can be applied to encourage the redevelopment of out dated, one story shopping areas.



The objectives of the Mixed Use Zone are:

1. Transition toward a more compact urban form with more multi-story buildings and structured parking, as economics allow.
2. Coordinate between adjacent properties regarding parking, access, circulation, and landscape design.
3. Orient buildings to streets to maintain and enhance pedestrian scale.
4. Provide high quality pedestrian ways, public gathering areas, courtyards, or plazas.
5. Encourage innovative and high architectural standards using quality materials and design.
6. Promote a highly landscaped character.
7. Minimize the visual impacts of parking.
8. Encourage transit-oriented design and land uses at transit stops.
9. Ensure appropriate transitions in building intensity and landscaped setbacks adjacent to neighborhoods.
10. Encourage the redevelopment of out-dated and worn properties to stimulate further interest and investment in the older areas of Logan.

### C. Gateway (GW)

The purpose of the Gateways is to develop aesthetically pleasing, high quality, and economically functional entrances to the City. The focus of the Gateway Overlay zones is less on the use and more on the 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. Gateway development and design standards are intended to accomplish the following:

1. Attractive buildings with large setbacks from primary roadways, highlighted by gracious landscapes or natural areas.
2. Preservation of open spaces and vistas in order to reinforce the picturesque setting of Cache Valley.
3. Preservation and restoration of natural areas, including the incorporation of natural areas into the overall site design.
4. High quality site and building designs that convey Logan's identity as "a place you want to call home".
5. Multiple transportation options including safe and efficient circulation for pedestrians, bicyclists, trucks, transit, and other motor vehicles in a well planned network of primary and secondary roadways and multi-use (pedestrian and bicycle) paths.

Gateways to the City are identified at all major highway entrances. The following specific gateways are defined with unique purposes and requirements and further refined through the Gateway Overlay Zones in Chapter 17.28:

#### 1. North Gateway.

The purpose of the North Gateway is to create a parkway entrance into Logan along the northern segment of North Main Street. The recently revised Logan/North Logan boundaries are an opportunity for Logan to define a unique entry point into the City in order to emphasize community boundaries. Street trees, park strips,



## 17.16: District and Corridor Zones

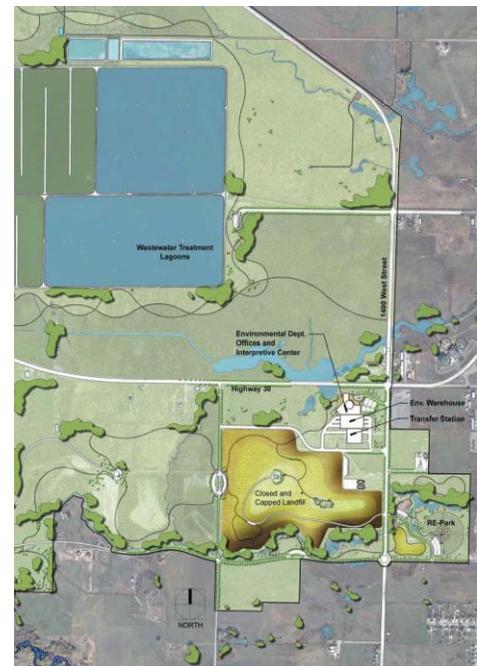
sidewalks and generous landscaping in the front setbacks will provide a positive first impression of the city for people arriving from the north.

2. Northwest Gateway.

The purpose of the Northwest Gateway is to provide a transition into Logan in combination with the implementation of the Logan-Cache Airport Area Specific Plan. All development shall be consistent with the Specific Plan requirements for road layout, uses, and extent of development. The Northwest Gateway includes farm land, wetlands, and other critical lands, which merit special review and design. The area 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 avoid critical lands and, where possible, enhance them as amenities to projects.

3. West Gateway.

The purpose of the West Gateway is to provide a transition between the resource conservation areas to the west and the commercial, industrial and public areas at the west entrance to the City. The land is partially constrained by natural areas. Gateway standards of large setbacks, extensive landscape, incorporation of natural lands, vista preservation, and high quality design will enhance the area from its present underdeveloped character. Welcoming signage and landscaped gateway features will be coordinated by the City and placed along the right-of-way at strategic “welcome” locations. The future reclamation of the Logan Landfill site will provide significant improvement to the West Gateway.



4. South Gateway.

The South Gateway is the City's primary front door for visitors. Its purpose is to make a welcoming transition from the semi-rural highway to Logan's mixed use and commercial areas at the south end of the City. Gateway standards of large 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. In addition to specific welcome signage and facilities, the right-of-way will be designed with a parkway character. Generously landscaped front setbacks will enhance this theme. The policies and objectives contained within the South Corridor Specific Plan supplement the requirements of this zone.

5. 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. Minimal welcoming signage and facilities will be incorporated. The vistas from this location are outstanding and shall not be interrupted. The East Gateway includes the southern edge of Utah State University which also announces a welcome to Logan. Currently the majority of property within the East Gateway is public or quasi-publicly owned.



**D. Commercial Service (CS)**

The Commercial Service 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 heaving industrial types of uses.



**E. Industrial (I)**

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.



## 17.16: District and Corridor Zones

## F. Airport (AP)

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 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.



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## Chapter 17.17: District and Corridor Zone Uses

### §17.17.010. Purpose

Chapter 17.17 sets forth the types of land uses permitted and conditionally permitted within Logan's Districts and Corridors.

### §17.17.020. Districts & Corridors Land Use: Classification

- A. Primary Uses. Land use shall conform to the designations in Table 17.13.030 (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 17.55.
  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 17.55. Conditional uses must conform to the applicable requirements of Chapter 17.49.
  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 17.59.

17.17: District and Corridor Zones Uses

**Table 17.17.030: Allowed Uses in District and Corridor Zones**

Land Use	Districts & Corridors							
	TC	COM	MU	CC	GW	CS	IP	AP
<b>Residential Uses</b>								
Assisted Living Center	C	C	C	C	N	N	N	N
Nursing Home, Convalescent Home	C	C	C	C	N	N	N	N
Caregiver, Certified NA or CA	P	P	P	P	N	N	N	N
Group Home where care, training, or treatment IS provided on-site.	C	C	C	C	N	N	N	N
Group Home where care, training, or treatment IS NOT provided on-site.	N	N	N	N	N	N	N	N
Dormitories, Fraternities, Sororities	C	C	C	N	N	N	N	N
Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals. *One caretaker or security guard may be permitted to live on-site as an accessory use with a Conditional Use Permit.	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	N	N*	N*	N
<b>Public/Institutional Uses</b>								
Colleges, University or Technical College	C	C	C	N	C	N	C	C
Trade, vocational, or commercial schools	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	P	P	C	P	C	C	C
Family Day Care/Preschool (1-8 Clients) Family Group Day Care/Preschool (9-16 Clients)	P	P	P	P	N	N	N	N
Commercial Day Care (17 or more clients)	C	C	C	C	C	C	N	N
Hospitals	N	P	P	N	P	N	N	N
Parks and Open Space	P	P	P	C	P	P	P	P
Religious Institutions	C	C	C	C	C	C	N	N
Clubs, Lodges, similar uses	C	C	C	C	C	N	N	N
Libraries, Museums, Community Centers	C	C	C	C	C	N	N	N
Public Safety Services	C	P	P	C	P	P	P	P
Public School (K-12)	State law supersedes local zoning regulations.							
Private Schools (K-12)	C	C	C	C	C	N	N	N
<b>Utility Uses</b>								
Wireless Telecommunication Facilities	P	P	P	N	P	P	P	P
Radio, television, or microwave towers	C	C	C	N	C	C	C	C
Amateur radio towers	C	C	C	N	C	C	C	C
Utilities, basic service delivery and laterals	P	P	P	P	P	P	P	P
Utilities, distribution network	N	N	N	N	N	N	N	N
Utilities, structures, physical facilities (Regional Facilities)	C	P	C	C	P	P	P	P
Municipal water well, reservoir, or storage tank	C	C	C	N	C	C	C	C
<b>Commercial Uses</b>								
Entertainment Event (Major)	C	C	C	N	C	C	C	C
Office – General business, government, professional, medical, or financial	P	P	P	C	P	P	C	C
Bank, savings and loans, or credit union	P	P	P	C	N	P	N	N
Clinic, medical, dental, or optical	P	P	C	C	P	P	C	C

## 17.17: District and Corridor Zones Uses

Land Use	Districts & Corridors							
	TC	COM	MU	CC	GW	CS	IP	AP
Laboratory, scientific or research	P	P	C	N	P	P	P	P
Wholesale office	N	P	P	N	N	P	C	C
Bed and breakfast	P	P	P	C	N	P	N	N
Hotel, Motel	P	P	P	N	N	P	P	P
Commercial Parking	C	P	C	N	N	C	P	P
Recreational vehicle and vehicle storage parking	N	C	N	N	N	C	P	P
Truck storage, outdoor	N	C	N	N	N	P	P	P
Recreation and Entertainment (Outdoor Facility)	N	P	N	N	N	N	P	N
Golf course	N	N	N	N	P	N	N	C
RV Parks short term occupancy (less than 30 calendar days)	N	N	N	N	N	C	C	N
RV Parks long term occupancy (more than 30 calendar days)	N	N	N	N	N	C	C	N
Non-vehicle camping (tents) in RV Park	N	N	N	N	N	C	C	N
Tent Campground	N	N	N	N	N	C	C	N
Miniature golf course and accessory recreation	N	P	N	N	N	N	P	N
Indoor Commercial Shooting Range	N	C	N	N	N	C	C	N
Sales and 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	C	N	C	N	N
Sales and service, large, footprint greater than 100,000 sq. ft.	N	P	N	N	N	C	N	N
Adult oriented business	N	N	N	N	N	N	C	N
Amusement, commercial indoor	N	P	C	N	N	P	P	N
Animal clinic or pet hospital, No outdoor pens	N	P	C	C	N	P	N	N
Animal clinic or pet hospital, with outdoor pens	N	N	N	N	N	C	C	N
Antique or collectible shop	P	P	P	C	N	N	N	N
Art supply store	P	P	P	C	N	P	N	N
Barber or beauty shop	P	P	P	C	N	N	P	N
Bakery or confectionery shop, retail sales	P	P	P	C	N	P	P	N
Camera shop	P	P	P	C	N	N	N	N
Carpet, Retail	P	P	P	N	N	P	N	N
Carpet, Wholesale	N	N	N	N	N	P	P	N
Carwash	N	P	N	N	N	P	P	N
Clothing	P	P	P	C	N	N	N	N
Convenience Market (no gasoline)	P	P	P	C	N	P	P	P
Copy Center	P	P	P	C	P	P	P	P
Dairy products or ice cream	P	P	P	C	N	N	N	N
Dancehall or nightclub	P	P	P	N	N	N	N	N
Department or discount store	P	P	P	N	N	N	N	N
Drug store or pharmacy	P	P	P	C	N	N	N	N
Dry cleaner	P	P	P	C	N	P	P	N

## 17.17: District and Corridor Zones Uses

Land Use	Districts & Corridors							
	TC	COM	MU	CC	GW	CS	IP	AP
Florist shop	P	P	P	C	N	N	N	N
Furniture or appliance store	P	P	P	N	N	P	N	N
Garden shop, plant sales, nursery	P	P	P	C	N	P	N	N
Grocery store	P	P	P	C	N	N	N	N
Handicraft and art object sale	P	P	P	C	N	N	N	N
Hardware store	P	P	P	C	N	P	N	N
Hobby shop	P	P	P	C	N	P	N	N
Kennel	N	N	N	N	N	C	C	N
Laundromat	P	P	P	C	N	N	N	N
Locksmith or key shop	P	P	P	C	N	P	P	N
Maintenance or repair service for buildings	N	P	N	N	N	P	P	N
Medical supplies	N	P	N	N	N	P	P	N
Mortuary	N	P	N	N	N	P	N	N
Music store	P	P	P	C	N	N	N	N
Package liquor store	<b>State law supersedes local zoning regulations</b>							
Pawn shop	N	P	N	N	N	P	N	N
Paint Sales	P	P	P	N	N	P	N	N
Personal services such as milliner, tailor, etc.	P	P	P	C	N	N	N	N
Pet shop for small animals, bird, fish	P	P	P	C	N	N	N	N
Plumbing Shop	P	P	P	N	N	P	P	N
Provisioning and recreational sporting goods sales	P	P	P	C	N	N	N	N
Radio or television transmitting stations, commercial	N	P	N	N	C	P	P	N
Railroad or bus passenger station	P	P	P	N	P	P	P	P
Repair of appliances, TV, radios	N	P	N	N	N	P	P	N
Restaurant, Brew	P	N	N	N	N	N	N	N
Restaurant, Fast Food	P	P	P	C	P <sup>1</sup>	P	P	P
Restaurant, General	P	P	P	C	P <sup>1</sup>	P	P	P
Shoe, boot, or other leather goods sale and repair	P	P	P	C	N	P	P	N
Storage warehouse	N	N	N	N	C	P	P	N
Studio, health& fitness	P	P	P	C	N	P	P	N
Studio, photographer, artist, music, dance, and drama	P	P	P	C	N	P	N	N
Tavern	P	P	P	N	N	P	P	N
Tennis, swimming or other recreation, private indoor	N	P	N	N	N	P	P	N
Theaters	P	P	P	N	N	P	N	N
Trailer and mobile home sales	N	N	N	N	N	C	P	N
Vehicle parts sales, new or reconditioned	N	P	N	N	N	P	P	N
ATVs, Motorcycle, and Snowmobile sales and rental	N	N	N	N	N	C	P	C

<sup>1</sup> Must be accessory to the primary use and contained within the walls of the primary structure.

17.17: District and Corridor Zones Uses

Land Use	Districts & Corridors							
	TC	COM	MU	CC	GW	CS	IP	AP
Heavy truck sales, rental and service and equipment	N	N	N	N	N	C	P	C
Vehicle & equipment sales & rental	N	C	N	N	N	P	N	N
Welding or machine shop	N	P	N	N	N	P	P	P
Uses providing storage for the owner of the property	N	N	N	N	N	C	C	N
Commercial storage unit	N	N	N	N	N	N	C	N
Outdoor Storage	N	N	N	N	N	N	C	N
Vehicle Repair	N	N	N	N	N	P	P	N
Vehicle Service	N	P	N	N	N	P	P	N
Gasoline service station	N	P	N	N	N	P	P	N
Gasoline, petroleum products storage (home heating exempt) (See Uniform Fire Code Section 7902)	N	P	N	N	N	N	P	N
Electric fueling facilities for vehicles (not petroleum) in conjunction with a primary use	N	P	N	C	P	P	P	N
Truck Stop	N	N	N	N	N	P	P	N
<b>Industrial Uses</b>								
Firms engaged in the repair or servicing of business or consumer machinery, equipment, products or by-products	N	N	N	N	N	P	P	N
Industrial machinery storage (indoor), sales, repair	N	N	N	N	N	N	P	N
Contractor supply store	N	N	N	N	N	P	P	N
Contractor supply store with outdoor storage	N	N	N	N	N	C	C	N
Firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods	N	N	N	N	N	N	P	N
Light manufacturing	N	N	N	N	N	P	P	N
Warehouse, Freight Movement	N	N	N	N	N	N	P	P
Contractors storage yard of heavy equipment	N	N	N	N	N	N	C	N
Lumberyard	N	N	N	N	N	P	P	N
Storage of sand, gravel, earth or stone	N	N	N	N	N	N	P	N
Waste Related Uses	N	N	N	N	N	C	P	N
Enclosed Wrecking or Salvage Facilities	N	C	N	N	N	C	C	N
Open Wrecking or Salvage Facilities	N	N	N	N	N	N	N	N
Wholesale Sales and Service	N	N	N	N	N	P	P	N
<b>Other Uses</b>								
Agriculture	N	N	N	N	P	P	P	P
Air Passenger Terminals	N	N	N	N	N	N	N	P
Detention Facilities	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Residential Programs for Drug & Alcohol Treatment	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Alternative or Post Incarceration Facilities	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>
Mining or extraction of mineral or aggregate resources from the ground for off-site use	N	N	N	N	N	N	N	N
Railroad tracks and lines for the movement of trains	C	C	C	C	C	C	C	C

<sup>1</sup> Must be accessory to the primary use and contained within the walls of the primary structure.

<sup>2</sup> Indicates use may be allowed where State or Federal law preempts local zoning.



## Chapter 17.18: General Development Standards: District and Corridor Zones

### §17.18.010. General Development Standards

#### A. Purpose.

The purpose of Chapter 17.18 is to provide 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. Applicability.

Chapter 17.18 applies to all development proposals in Logan's Districts and Corridors. Some Sections of 17.18 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.

#### D. Site Design.

1. Site plans shall be coordinated with adjoining projects to take advantage of landscape screening, common access, or similar features.
2. Site planning shall employ sustainable practices where feasible including:
  - a. Integrating water quality features such as bioswales and bio-retention basins in a cohesive and logical manner and to take advantage of site topography, orientation and visibility.
  - b. Utilizing impervious paving materials in lieu of pervious paving for circulation areas for automobiles and light duty trucks and by reducing the amount of paving to the minimum necessary to accomplish site circulation and parking needs.
  - c. Using recycled products for driveway and parking lot base material.
3. Location of Accessory Facilities.
  - a. Accessory facilities such as mechanical equipment, trash collection, storage areas, and vehicle service areas shall be adequately screened and shall be located in areas that are not visible from public roadways.
4. Circulation, Parking and Loading (see Chapter 17.38).
  - a. As a general design guideline for new projects, the following is the preferred approach for locating parking areas: parking facilities shall be located to the side or the rear of the primary building and not between the front of the primary building and the street providing primary access. On corner lots, parking shall not be located between the primary building and any street creating the corner lot. In certain circumstances, parking may be located between the front of the primary building and the street due to unique site and design conditions or constraints, neighborhood character and compatibility, shared access, property interconnectivity or some other technical consideration.

## 17.18: General Development Standards: District and Corridor Zones

- b. Pedestrian access to primary building entrances shall be separated from auto access by walkways.
  - c. Driveway access along streets shall be aligned with existing or planned driveways on the opposite side of the street or aligned with existing or future street median breaks. Driveways shall be located to avoid arterial streets, street corners, adjacent driveways, and areas with restricted visibility.
  - d. In order to minimize interference with street circulation, a minimum driveway length of twenty feet is required between the property line and the first parking stall, unless a greater distance is required herein.
  - e. Parking, delivery, service, and loading facilities on each site shall be sufficient to serve its businesses without the need to park, load or back onto adjacent streets. Shared parking areas with other uses are encouraged.
  - f. Parking lot design shall include landscape planters, sidewalks, or other separators at the end of parking bays. All parking, loading and driveway areas shall be separated from landscaped areas by concrete curbs as specified in Chapter 17.39.
  - g. Provisions shall be made for required access and circulation of emergency vehicles.
5. Landscape Design (see Chapter 17.39).
- a. A combination of trees, shrubs, groundcover and landscaped berms shall be used to provide variety and to reduce the apparent mass of large, blank facades.
  - b. Landscaping, berms, and/or low fencing shall be used to reinforce circulation patterns while screening and shading parking and loading areas.
  - c. Street trees shall be provided along all public and private streets with a minimum of one tree installed for each thirty feet of frontage. One dominant species of street tree shall be selected for each street as approved by the City Forester.
  - d. Plant, shrub and tree species shall be appropriate to Logan's climate and will require minimal water and care. New trees shall be uniform in appearance and be wind tolerant. Large visible slopes shall be landscaped with trees, shrubs and groundcover. Disturbed slopes shall also be hydro-seeded/mulched where feasible with a perennial ground cover for erosion control.
  - e. Live plant materials shall be used for all ground cover areas. Wood chip mulch or similar material will be used for weed prevention.
  - f. An automatic irrigation system shall be provided. Where drought-resistant landscape materials are planted, only temporary irrigation is needed until the landscaping is established.
  - g. Landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where a building meets the ground or pavement.

## 17.18: General Development Standards: District and Corridor Zones

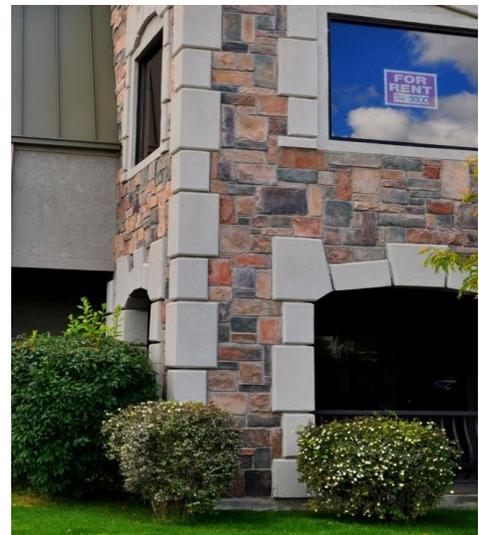
6. Fencing and Screening.
  - a. All exterior mechanical equipment, utility meters and valves, refuse storage and containers, and aboveground storage tanks shall be located and screened in a manner which is compatible with the design of the project and nearby development.
  - b. Outdoor storage of merchandise, materials or equipment shall be located and screened in a manner which is compatible with the design of the project and nearby development.
  - c. New fencing along public rights-of-way shall be softened with landscaping along the entire outside fence line, shall not impair traffic safety by obscuring views, and shall not consist of chain link or barb-wire.
  - d. Fencing shall be designed for compatibility with nearby building and landscape materials. Fences shall be constructed of highly durable materials. Use of wood, ornamental iron, and masonry is encouraged.
7. Lighting.
  - a. Exterior lighting type, brightness, height and fixture design shall be appropriate to the building design, its function and location.
  - b. Light bulbs or tubes shall not be exposed. Generally, exterior lighting shall be shielded and be non-glare. Lights must not emit direct light into adjacent streets or neighboring properties.
  - c. Security lighting shall be indirect, diffused, shielded, and/or directed away from an adjacent Neighborhood district.

### §17.18.020. Building Design Standards – Commercial and Mixed Use Development

- A. Purpose.
 

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. Applicability.
 

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 17.18.060 in lieu of Section 17.18.020.
- 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;



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

17.18: General Development Standards: District and Corridor Zones

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).
- b. All sides of a building that are visible from a public right of way, park, school, sidewalk, etc., shall receive equal architectural design consideration (i.e., windows, doors, architectural treatments, etc). No building shall have a blank, flat wall.



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.



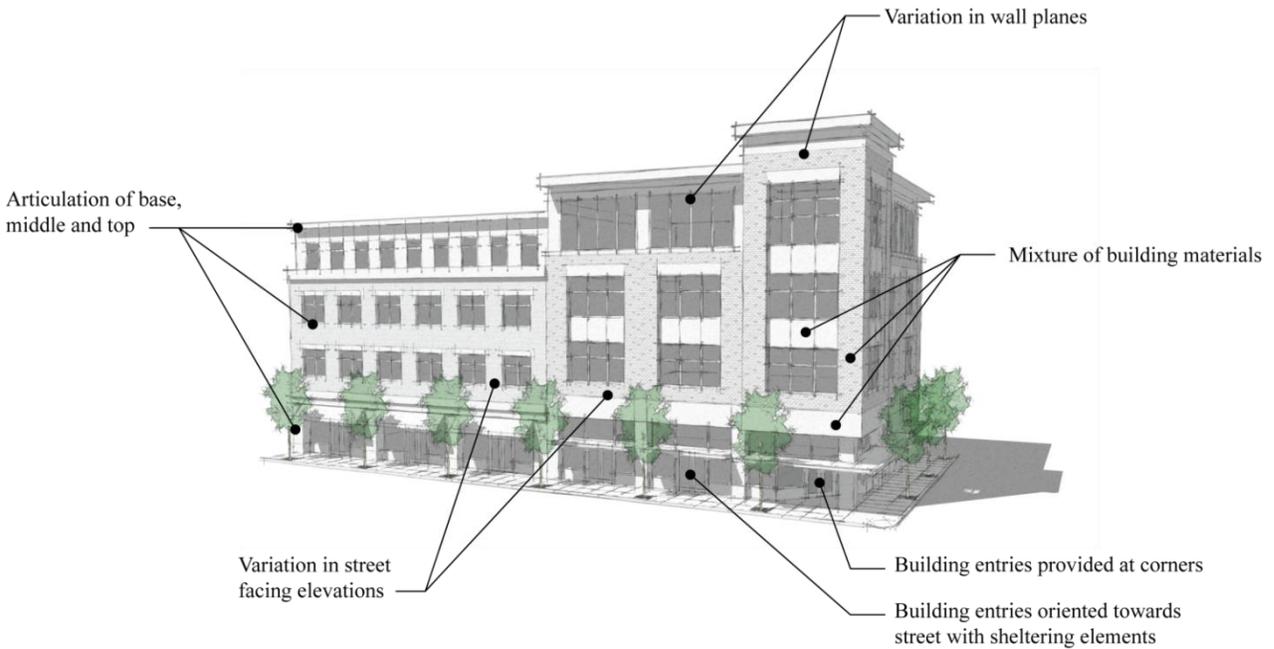
Integrating a variety of forms helps reduce the mass of a building.



This



Not This

**Figure 17.18.020: Town Center, Commercial and Mixed Use Building Design Standards**

2. 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; textured concrete fiber cement board; metal; or a combination of these materials. Stucco (EIFS) is only permitted when it is sufficiently detailed to provide interest and surface variation. Scoring is acceptable to achieve the required detailing. Areas between score lines should 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



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



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

17.18: General Development Standards: District and Corridor Zones

- corner and maintaining consistent horizontal and/or vertical lines.
- e. Large, panelized products shall not be used for portions of a building that are visible from a public street, pedestrian way or any abutting residential uses.
- f. 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.



Required: 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.

3. Articulation of Wall Planes.

- a. In the Town Center and Mixed Use zones, building elevations of more than 800 square feet in surface area must be divided into distinct planes of 800 square feet or less. In other Districts and Corridors, the standard is 1,200 square feet. A wall planes is considered distinct from other wall planes when there is a recess or projecting section of the structure that projects or recedes at least 1 foot for a length of at least 6 feet. The purpose of this standard is to promote human-scaled buildings by breaking down larger wall masses into modules and articulated planes.



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 modules is one example of how to accomplish this.



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



## 17.18: General Development Standards: District and Corridor Zones



Select materials and architectural elements that reduce the building's scale.

4. Base, middle, top.
  - a. 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.
  - b. A building's facade shall emphasize each floor in the external design. Examples of meeting this standard include use of belt courses or other horizontal shadow producing trim band of contrasting color, relief, and materials, varying materials and using structural elements
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.
  - 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.



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



Required: 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 25 % of the depth of the building footprint.

17.18: General Development Standards: District and Corridor Zones

- 6. Center Street National Historic District.
  - a. 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.
- 7. Adaptive Reuse.
  - a. Adaptive reuse of buildings shall provide street-level amenities and human scale design.
  - b. Adaptive reuse projects shall remain consistent with traditional building forms and materials.



The adaptive reuse of this historic building is a great example of providing street-level pedestrian interest on the front of retail buildings.



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



These photos illustrate the importance of adaptive reuse projects remaining consistent with traditional building forms and materials.

**§17.18.030. Building Orientation and Entries****A. Purpose.**

The purpose of this Section is to ensure that primary building entrances are visually prominent and oriented to the street while easily accessible to pedestrians.

**B. These standards apply in the following districts:**

1. Town Center.
2. Commercial.
3. Mixed Use Center.
4. Community Commercial.

**C. Standards.**

1. Buildings and their primary entrances shall be oriented to streets and must express human scale.
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 street 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 extending at least 6-feet over adjoining walks. Additional sheltering elements may be required in some zones, or may be required through design review.
5. Design the primary entrance to be the prominent feature of the building.



Required: A building's primary entrance shall be oriented toward the public street.



Required: 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.



Required: Primary entrances, for all types of development, must express human scale.

17.18: General Development Standards: District and Corridor Zones



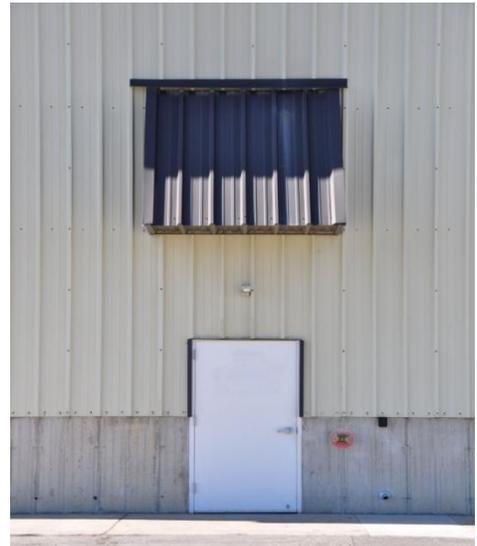
Required: Design the primary entrance to be the prominent feature of the building.



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



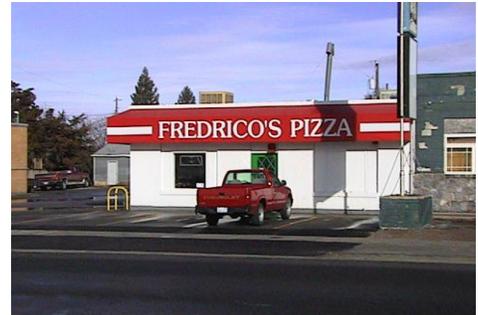
Required: Primary entrances shall have a sheltering element that matches the scale and design of the building.



Prohibited: A primary entrance that is not appropriate to the size and design of the building.



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**§17.18.040. Transition Areas****A. Purpose.**

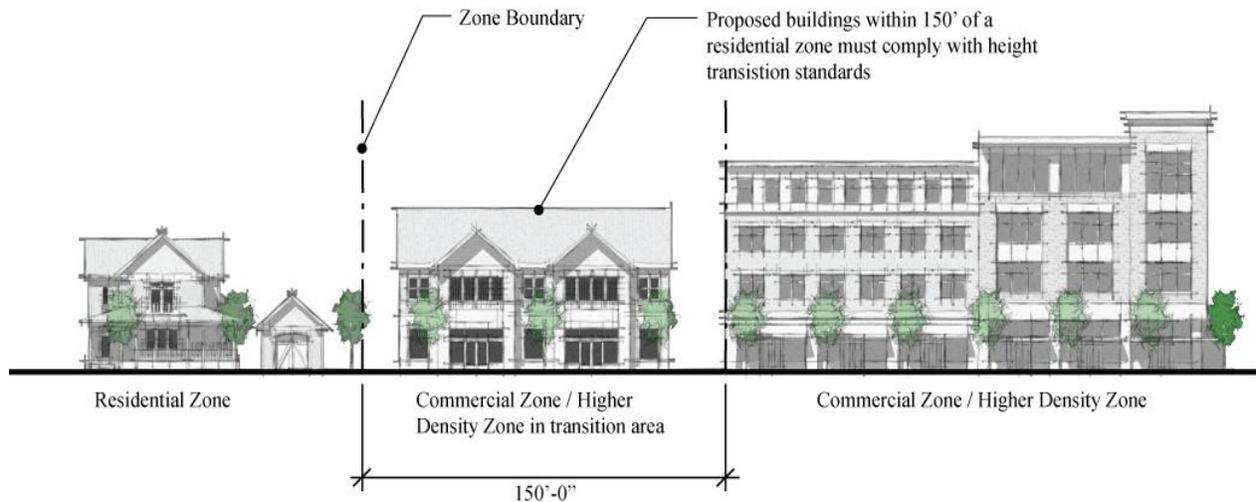
The purpose of this Section is to ensure new infill development is compatible with adjacent neighborhoods. The standards are intended to provide for gradual transitions from shorter to taller structures and consistency in setbacks along streets.

**B. Applicability.**

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 residential zone.

**C. Standards.**

1. **Height Transition Standards.** Where a building is to be constructed or expanded, those portions of the building within 150 feet of any residential zone shall meet the minimum height transition requirements listed in Section 17.14.060.
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 setback standards as applicable to that residential zone.

**Figure 17.18.040.C: Building Height Transition**

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



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

## 17.18: General Development Standards: District and Corridor Zones

construction, a total screen of the parking lot from adjacent properties.



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



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

### §17.18.050. Buildable Area Extensions

#### A. Purpose.

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. Applicability.

1. These provisions apply to all development within all Districts and Corridors.

#### C. Standards.

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. Spires, cupolas, belfries and domes, and similar architectural features not used for human occupancy and covering not more than ten percent (10%) of the ground area covered by the structure to which they are accessory, may exceed height restrictions through design review, except where prohibited by Federal Aviation Regulations, part 77.

### §17.18.060. Building Design Standards - Industrial Development

#### A. Purpose.

The purpose of this Section is to promote high quality and aesthetically pleasing design and development within the Industrial and Commercial Services zones.

#### B. Applicability.

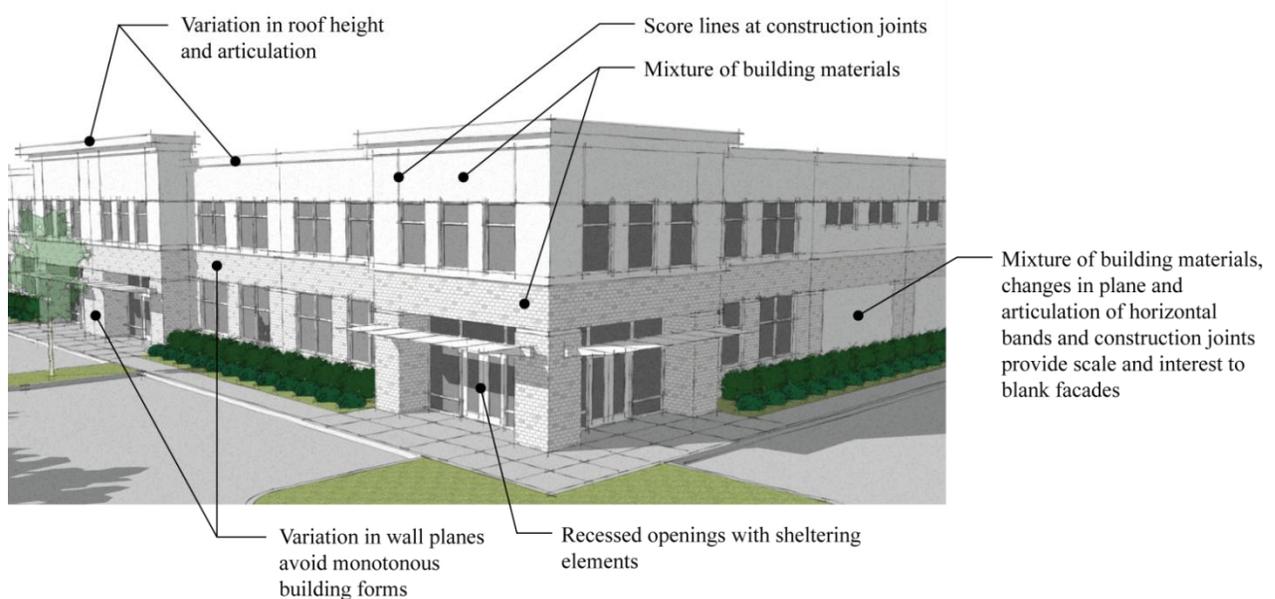
The provisions of this Section apply to industrial development in the Industrial and Commercial Services zones. The applicability of these standards to the expansion of existing buildings may be modified or altered due to existing building configuration, site conditions, processing requirements or other technical considerations provided appropriate mitigation offsetting any identifiable impacts are identified and considered.

## 17.18: General Development Standards: District and Corridor Zones

## C. Standards.

## 1. Architectural Design.

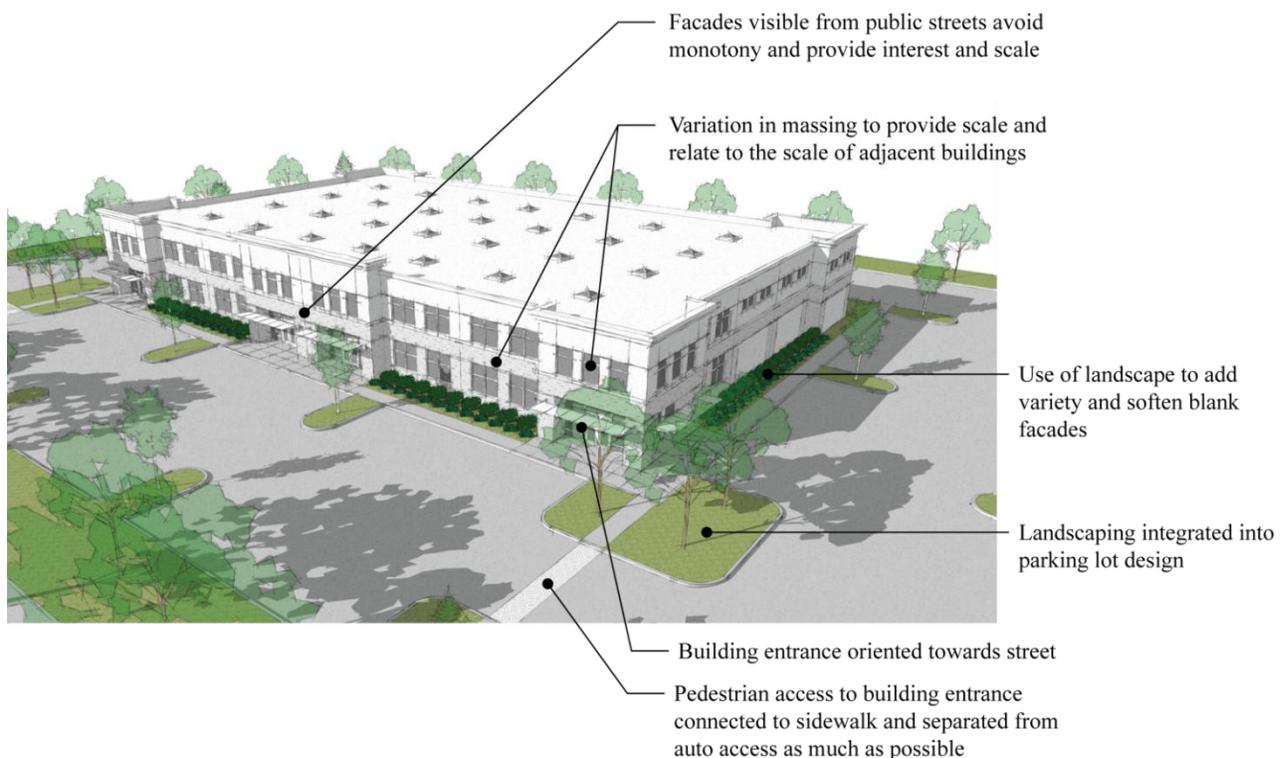
- a. The architectural design of new buildings and major exterior additions shall relate to neighboring buildings. While specific designs need not be duplicated, the general size, bulk, materials, and colors shall have a complimentary design relationship to other buildings in the vicinity.
- b. Primary 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.

**Figure 17.18.060.C1: Industrial Building Articulation and Detailing**

- 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.

## 17.18: General Development Standards: District and Corridor Zones

- 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 17.18 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 17.18.10.D.5 and Chapter 17.39 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.

**Figure 17.18.060.C2: Industrial Building Design Standards**

## Chapter 17.19: Specific Development Standards: District and Corridor Zones

The development standards contained in this Chapter are intended to ensure that development is consistent with existing characteristics and building placement patterns in Districts and Corridors, while guiding change to be consistent with the purposes of the District and Corridor zones and overlay zones. The development standards may be adjusted or modified only insofar as the Title authorizes modifications to development standards under Chapter 17.50 Design Review and Chapter 17.53 Variances and the provisions below.

### §17.19.010. Land Use

Land uses shall conform to the provisions of Chapter 17.17. Allowed uses shall not be modified through a variance.

### §17.19.020. 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.

### §17.19.030. Building Form

Building form standards are intended to provide predictable and economically viable requirements for building form that implement the purposes of each zone.

- A. Building Heights: Buildings should provide a sense of street enclosure for pedestrians in more urban environments. Buildings shall step-down in height adjacent to neighborhoods as required in §17.14.060 and §17.18.040.
- 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.

## 17.19: Specific Development Standards: District and Corridor Zones

- 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.

**§17.19.040. Appearance**

Appearance standards ensure that new district and corridor 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.

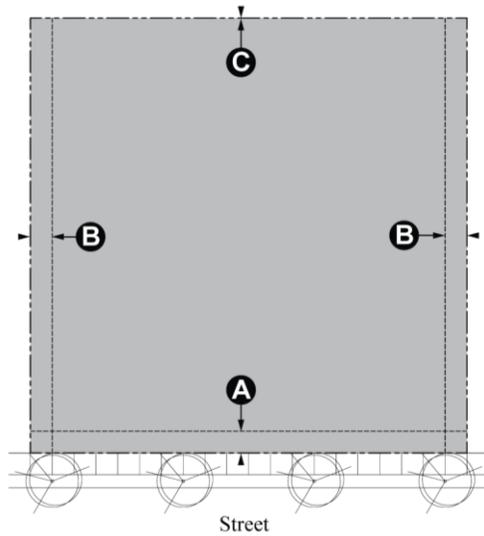
- A. Elevations: These requirements help to ensure that buildings attract customers/pedestrians, reduce the negative impact of blank walls, and improve the vitality of businesses.
- B. Materials: The intent of these requirements is to promote the use of high quality construction materials and to foster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

**§17.19.050. Procedures for Review and Approval**

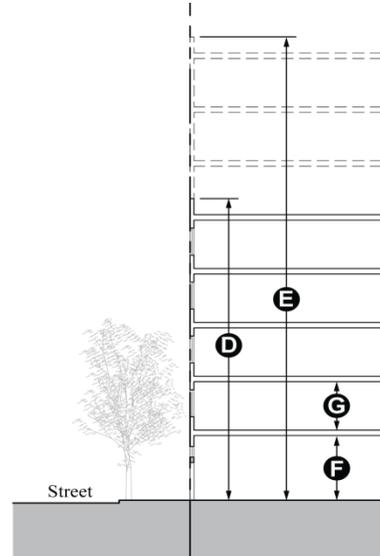
All proposed changes in land use and proposed developments shall be processed in accordance with the procedures and permit requirements in Chapters 17.45 through 17.59, as applicable.

17.19: Specific Development Standards: District and Corridor Zones

**17.19.060: Town Center (TC) Development Standards**



Site Plan Diagram



Site Section Diagram

<b>Residential Density</b>		
Units/acre (max)		70
<b>Site</b>		
Lot coverage (max)		100%
<b>Building Frontage</b>		
Main Street		75%
% at front setback (min)		
Other		
% at side setback		40%
<b>Setbacks</b>		
<b>A</b>	Front (min-max)	0'-5'
	Civic space exception	Track 2
<b>B</b>	Side (min)	0'-5'
<b>C</b>	Rear (min)	0'
	Parking (min)	10'
See §17.14.050 for additional setback requirements if adjacent to a residential zone.		
<b>Parking</b>		
Residential (min-max)		0.5/unit-2/unit
Commercial (min)		Varies by use
		See §17.38.040
Commercial (max)		§17.38.050
Location		Rear

<b>Land Set Asides (17.35.020)</b>		
Open Space		Not required
Useable Outdoor Space		Not required
<b>Building Form</b>		
<b>D Building Heights</b>		
Main Street Frontage		
Stories (min)		NA
Height (max)		68'
Side Street Frontage		
Height (max)		45'
<b>Floor Heights (floor to ceiling)</b>		
<b>F</b>	Ground Floor (min-max)	15'-20'
<b>G</b>	Upper Floors (min)	9'
<b>Transparency (Fenestration)</b>		
	Ground Floor (frontage)	60%
	Upper Floors (frontage)	20%
<b>Entrances</b>		
A functioning entrance, open during business hours, is required along each frontage. Buildings with two frontages may substitute an angled entrance at the corner. See also Section 17.18.030, Building Orientation and Entries.		

**Town Center (TC) Development Standards****Building Form (Continued)****Elevations**

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

**Weather Protection**

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang).

**Building Design**

See Section 17.18.020, Building Design.

**Building Placement & Orientation**

New development with Main Street frontage shall orient at least 75% of the building footprint towards their Main Street frontage while new development along other public streets in the Town Center shall orient at least 40% of the building footprint towards their public street frontage.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

**Other****Compliance with Other Standards**

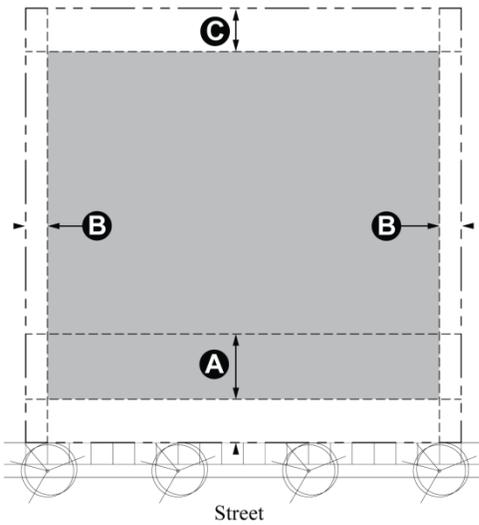
Compliance with all other applicable sections of the Logan Land Development Code is required..

**Center Street National Historic District**

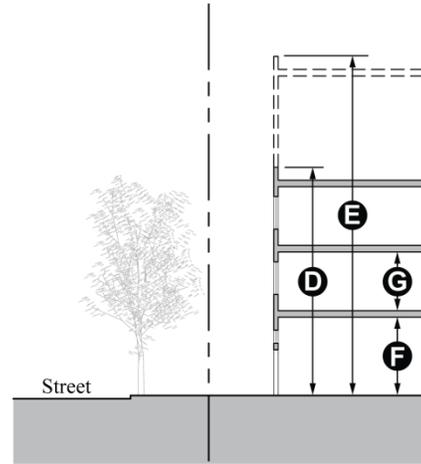
All properties within the Center Street National Historic District must comply with the Center Street National Historic District Design Standards.

17.19: Specific Development Standards: District and Corridor Zones

**17.19.070: Commercial (COM) Development Standards**



Site Plan Diagram



Site Section Diagram

**Residential Density**

Units/acre (max)	30
------------------	----

**Site**

Lot coverage (max)	60%
--------------------	-----

**Building Frontage**

% at front setback (min)	50%
--------------------------	-----

**Setbacks**

<b>A</b> Front (min)	10'
<b>B</b> Side – Common Wall (min)	0'
Side – Non Common Wall (min)	8'
<b>C</b> Rear (min)	10'
Parking (min)	15'

See §17.14.050 for additional setback requirements if adjacent to a residential zone.

**Parking**

Residential (min-max)	1/Unit - 2/Unit
Commercial (min)	Varies by use See §17.38.040
Commercial (max)	See §17.38.050
Location	Rear or Side

**Land Set Asides (17.35.020)**

Open Space	10%
Useable Outdoor Space	10%

**Building Form**

**Building Heights**

Stories (min)	NA
<b>D</b> Height (max)	38'

**Floor Heights (floor to ceiling)**

<b>F</b> Ground Floor (min)	12'
<b>G</b> Upper Floors (min)	9'

**Transparency (Fenestration)**

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

**Entrances**

A functioning entrance, open during business hours, is required along each frontage. Buildings with two frontages may substitute an angled entrance at the corner. See also Section 17.18.030, Building Orientation and Entries.

## Commercial (COM) Development Standards



### Building Form (Continued)

#### Elevations

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

#### Weather Protection

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang)

#### Building Design

See Section 17.18.020, Building Design

#### Accessory Structures

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

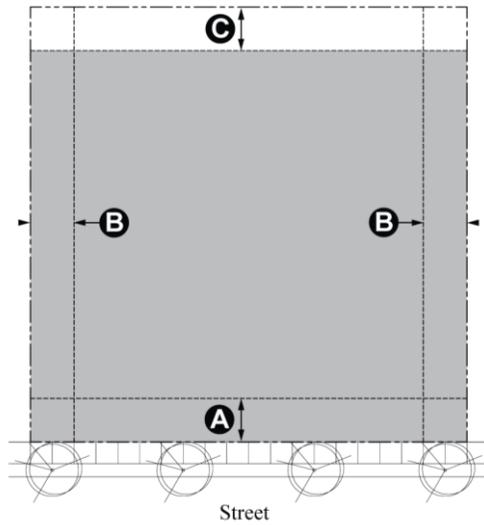
### Other

#### Compliance with Other Standards

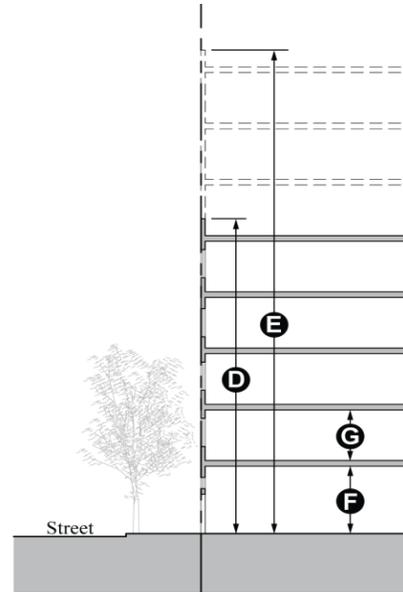
Compliance with all other applicable sections of the Logan Land Development Code is required.

17.19: Specific Development Standards: District and Corridor Zones

**17.19.080: Mixed Use (MU) Development Standards**



Site Plan Diagram



Site Section Diagram

**Residential Density**

Units/acre (min-max) 4-30

**Site**

Coverage (max) 60%

**Building Frontage**

% at front setback (min) 60%

% at side setback 30%

**Setbacks**

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

Civic space exception Track 2

**B** Side (min) 0'-15'

**C** Rear (min) 10'

Parking (min) 10'

See §17.14.050 for additional setback requirements if adjacent to a residential zone.

**Parking**

Residential (min-max) 0.5/unit-2/unit

Commercial (min) Varies by use

See §17.38.040

Commercial (max) See §17.38.050

Location Rear or Side

**Land Set Asides (17.35.020)**

Open Space 10%

Useable Outdoor Space 10%

**Building Form**

**Building Heights**

Stories (min) NA

**D** Height (max) 58'

**Floor Heights (floor to ceiling)**

Ground Floor (min) 12'

**F** Upper Floors (min) 9'

**Transparency (Fenestration)**

Ground Floor (frontage) 60%

Ground Floor (exposed sides) 20%

Upper Floors (frontage) 20%

**Entrances**

A functioning entrance open during business hours is required along each frontage. Buildings with two frontages may substitute an angled entrance at the corner.

**Mixed Use (MU) Development Standards****Building Form (Continued)****Elevations**

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

**Weather Protection**

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang)

**Building Design**

See Section 17.18.020, Building Design

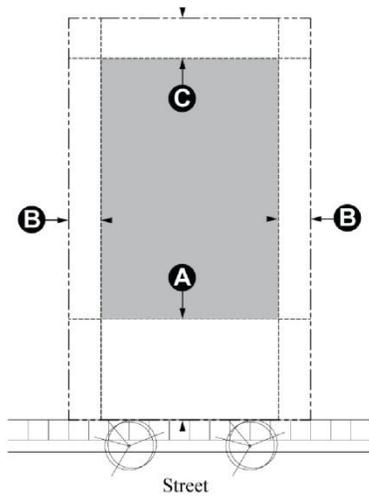
**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

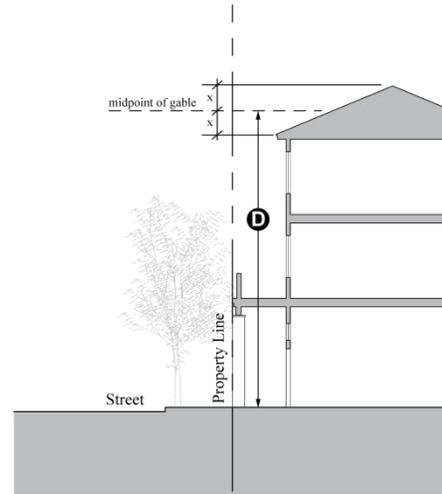
**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

**§17.19.090 Community Commercial (CC) Development Standards**



Site Plan Diagram



Site Section Diagram

**Residential Density**

Units/Acre 12

**Commercial Footprint Area**

Per Parcel 10,000 SF

**Site**

- Maximum Lot Coverage 60%
- No Drive-Thru lane or window.
- No Outside Storage.

**Setbacks**

- A** Front (min-max) 10'-25'
- Corner 10'-25'
- B** Side Common Wall (min) 0'
- Side – Non Common Wall (min) 8'
- C** Rear (min) 10'
- Building Frontage
- % at front setback (min) 50%

**Parking**

Parking is not permitted between the structure and the street in the CC zone. The CC zone is intended for neighborhood traffic and shall be designed at pedestrian scale. See Chapter 17.38 Parking Regulations.

**Landscaping (17.35.020)**

- Open Space 10%
- Useable Outdoor Space 10%

**Building Form**

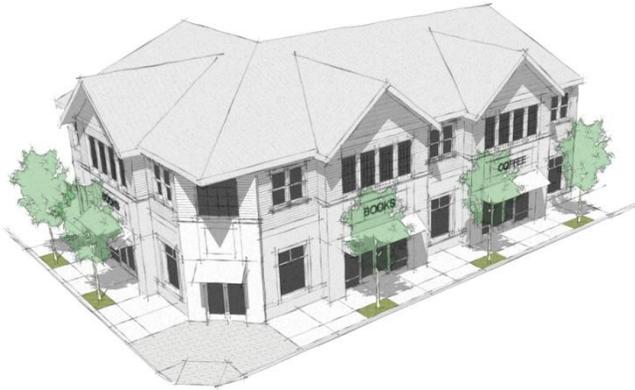
- Heights
- D** Primary Building (max) 35'
  - Accessory (max) 15'
  - Fences & Walls – Front (max) 4'
  - Fences & Walls – Side/Rear Yard 6'

- Roofs
- Roof Types Flat or Sloped
  - (Flat roof requires Track 2 approval)
  - (Parapets are required for flat roofs – min 3 feet )
  - Sloped Roof Pitch (min) 5:12
  - Roof Overhang 6"

- Transparency
- Ground Floor Frontages (street facing min) 30%

- Elevations
- Front, side and rear elevations shall be divided into distinct planes of 500 sq. ft. or less. Changes in wall plane shall project or recess at least 1 ft for a length of at least 6 ft.

## Community Commercial (CC) Development Standards



### Appearance

#### Entrances

Principal door must be oriented to the street. Porches/stoops required. Buildings with two (2) frontages shall have an angled entrance at the corner(s). Commercial entrances required every 40' (min) on center.

#### Building Design

Front and side elevations must be divided into distinct planes of 500 square feet or less. A distinct wall plane results in a change of plane at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Section 17.14.040.C.1.

#### Weather Protection

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhangs).

#### Building Materials

No more than 3 materials shall be used (excluding materials for fascia, soffit, window trim, etc.) for street-facing elevations. See preferred materials. No vinyl or T1-11 siding allowed. Front material mix shall be used on a minimum of 50% of sides/rear. See Section 17.14.20.C.3.

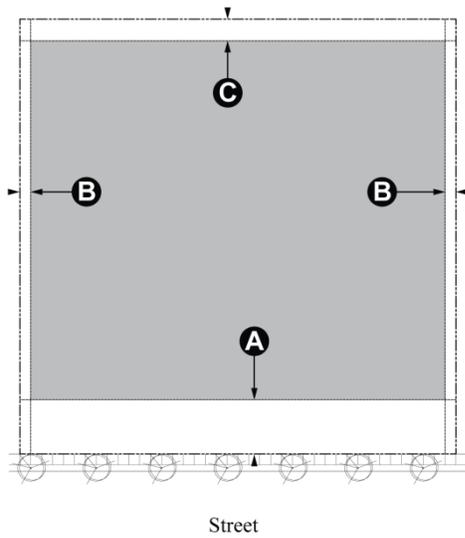
### Other

#### Compliance with Other Standards

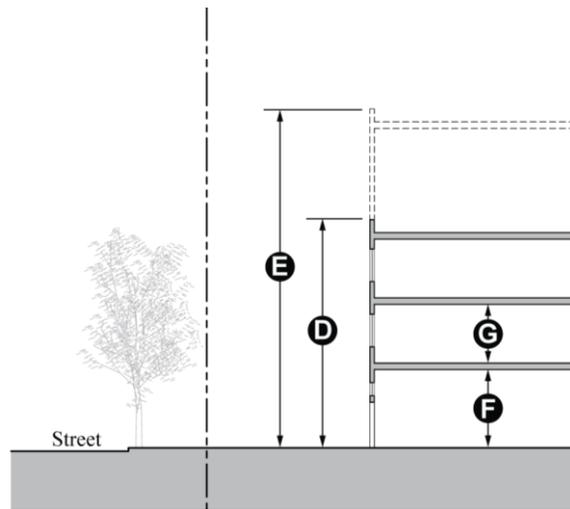
Compliance with all other applicable sections of the Logan Land Development Code is required.

17.19: Specific Development Standards: District and Corridor Zones

**17.19.100: Gateway (GW) Development Standards**



Site Plan Diagram



Site Section Diagram

**Residential Density**

Units/acre (max)	1
------------------	---

**Site**

Lot coverage (max)	50%
--------------------	-----

**Setbacks**

<b>A</b> Front (min)	35'
<b>B</b> Side Common Wall (min)	0'
Side – Non Common Wall (min)	15'
<b>C</b> Rear (min)	15'
Parking (min)	15'

See §17.14.050 for additional setback requirements if adjacent to a residential zone.

**Parking**

Residential (min-max)	1 Unit – 2/Unit
Commercial (min)	Varies by use
	See §17.38.040
Commercial (max)	See §17.38.050
Location	Rear or Side

**Land Set Asides (17.35.020)**

Open Space	20%
Useable Outdoor Space	10%

**Building Form**

**Building Heights**

Stories (min)	Na
<b>D</b> Height (max)	38'

**Floor Heights (floor to ceiling)**

<b>F</b> Ground Floor (min)	12'
<b>G</b> Upper Floors (min)	9'

**Transparency (Fenestration)**

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

## Gateway (GW) Development Standards



### Building Form (Continued)

#### Elevations

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

#### Weather Protection

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang)

#### Entrances

Public pedestrian entrances shall face a public street.

#### Building Design

See Section 17.18.020, Building Design.

#### Accessory Structures

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

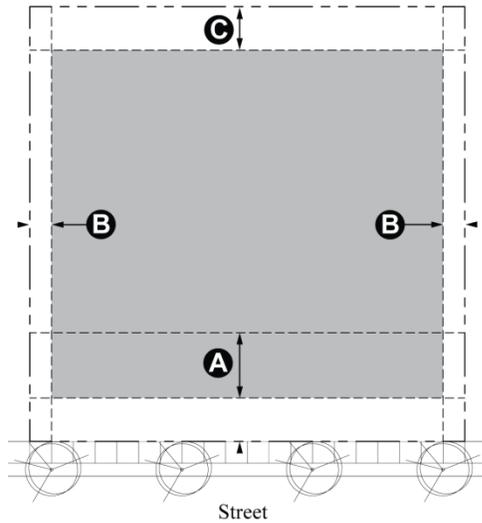
### Other

#### Compliance with Other Standards

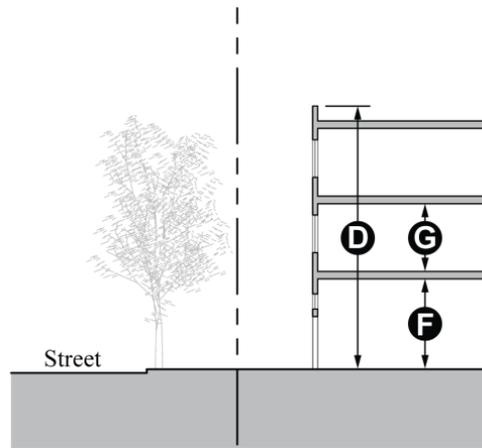
Compliance with all other applicable sections of the Logan Land Development Code is required.

17.19: Specific Development Standards: District and Corridor Zones

**17.19.110: Commercial Services (CS) Development Standards**



Site Plan Diagram



Site Section Diagram

**Site**

Lot coverage (max)	60%
--------------------	-----

**Setbacks**

<b>A</b>	Front (min)	10'
<b>B</b>	Side - Common Wall (min)	0'
	Side - Non Common Wall (min)	5'
<b>C</b>	Rear (min)	10'
	Parking (min)	15'

See §17.14.050 for additional setback requirements if adjacent to a residential zone.

**Parking**

Commercial (min)	Varies by use
	See §17.38.040
Commercial (max)	See §17.38.050

**Land Set Asides (17.35.020)**

Open Space	10%
Useable Outdoor Space	10%

**Building Form**

**Building Heights**

Stories (min)	NA
<b>D</b> Height (max)	38'

**Floor Heights (floor to ceiling)**

Ground Floor (min)	12'
<b>F</b> Upper Floors (min)	9'

**Transparency (Fenestration)**

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

**Commercial Services (CS) Development Standards**



**Building Form (Continued)**

**Elevations**

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

**Weather Protection**

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang).

**Entrances**

Public pedestrian entrances shall face a public street.

**Building Design**

See Section 17.18.020, Building Design

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

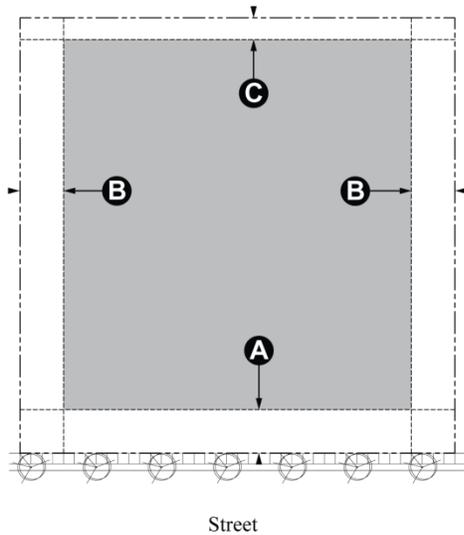
**Other**

**Compliance with Other Standards**

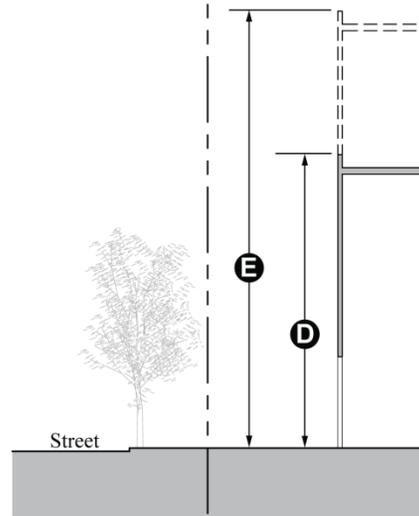
Compliance with all other applicable sections of the Logan Land Development Code is required. .

17.19: Specific Development Standards: District and Corridor Zones

**17.19.120: Industrial (I) Development Standards**



Site Plan Diagram



Site Section Diagram

**Site**

Lot coverage (max)	50%
--------------------	-----

**Setbacks**

<b>A</b> Front (min)	20'
<b>B</b> Side Common Wall (min)	0'
Side – Non Common Wall (min)	20'
<b>C</b> Rear (min)	10'
Parking (min)	30'

See §17.14.050 for additional setback requirements if adjacent to a residential zone.

**Parking**

Commercial (min)	Varies by use See §17.38.040
Commercial (max)	See §17.38.050
Location	Rear or Side

**Land Set Asides (17.35.020)**

Open Space	10%
Useable Outdoor Space	10%

**Building Form**

**Building Heights**

Stories (min)	NA
<b>D</b> Height (max)	48'

Height may be increased to 80' with a Conditional Use Permit and upon demonstration of need.

**Floor Heights**

Ground Floor (min)	NA
Upper Floors (min)	NA

**Transparency (Fenestration)**

Ground Floor (street facing elevations)	30%
Other Elevations	NA

## Industrial (I) Development Standards



### Building Form (Continued)

#### Elevations

Blank lengths of wall exceeding 40 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

#### Weather Protection

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang)

#### Entrances

Public pedestrian entrances shall face a public street.

#### Building and Site Design

See Section 17.18.060, Industrial Development Standards.

#### Accessory Structures

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

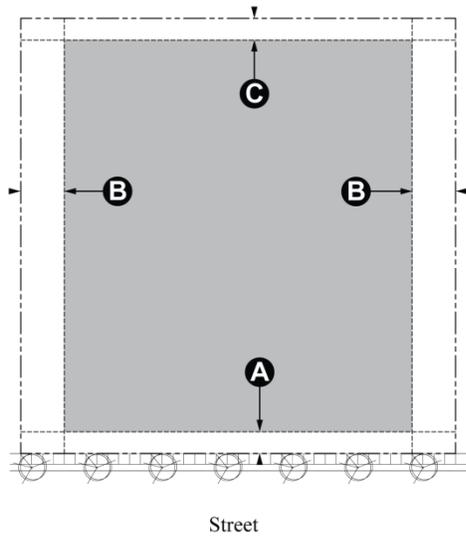
### Other

#### Compliance with Other Standards

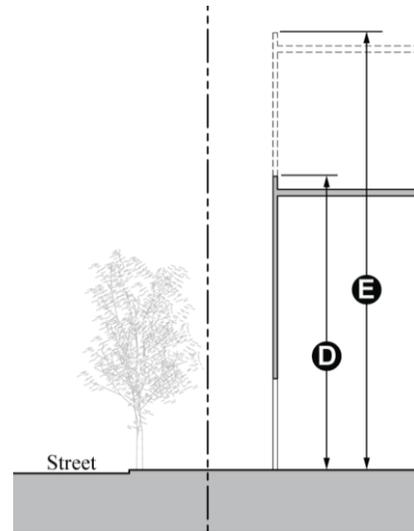
Compliance with all other applicable sections of the Logan Land Development Code is required.

17.19: Specific Development Standards: District and Corridor Zones

**17.19.130: Airport (AP) Development Standards**



Site Plan Diagram



Site Section Diagram

**Site**

Lot coverage (max) 60%

**Building Frontage**

% at front setback (min) 50%

**Setbacks**

- A** Front (min) 10'
- B** Side Common Wall (min) 0'
- Side – Non Common Wall (min) 20'
- C** Rear (min) 10'
- Parking (min) 30'

See §17.14.050 for additional setback requirements if adjacent to a residential zone.

**Parking**

- Commercial (min) Varies by use  
See §17.38.040
- Commercial (max) See §17.38.050

**Land Set Asides (17.35.020)**

- Open Space 10%
- Useable Outdoor Space 10%

**Building Form**

**Building Heights**

- Stories (min) NA
- D** Height (max) 48'
- Heights must comply with the Airport Master Plan

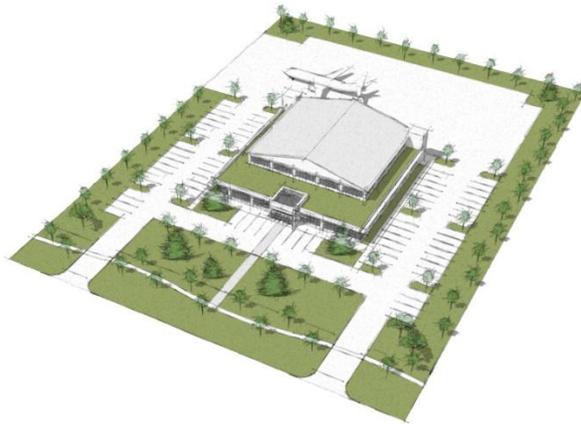
**Floor Heights**

- Ground Floor (min) NA
- Upper Floors (min) NA

**Transparency (Fenestration)**

- Ground Floor (street facing elevations) 30%
- Other Elevations NA

## Airport (AP) Development Standards



### Building Form (Continued)

#### Elevations

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

#### Weather Protection

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang)

#### Entrances

Public pedestrian entrances shall face a public street.

#### Building Design

See Section 17.18.020, Building Design.

#### Accessory Structures

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

### Other

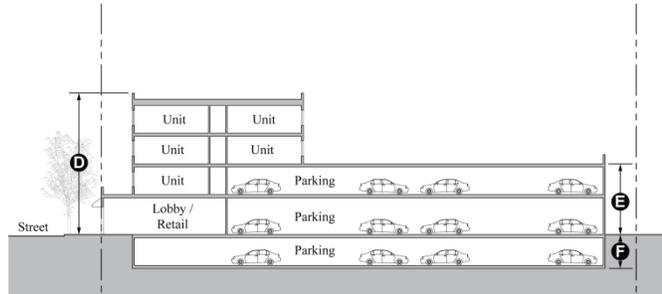
#### Compliance with Other Standards

Compliance with all other applicable sections of the Logan Land Development Code is required.

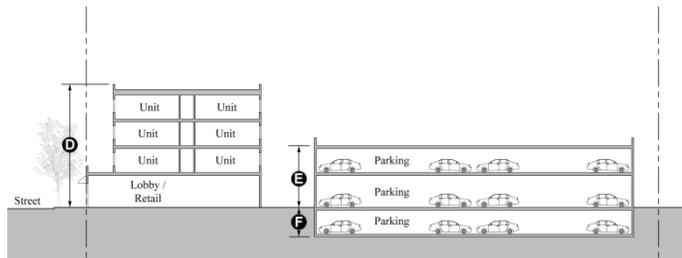
17.19: Specific Development Standards: District and Corridor Zones

**§17.19.140 Parking Structure Standards - Districts and Corridors**

Structured parking in Districts and Corridors is required to be above, below, or behind the building.



**Example of parking location when attached as part of a building.**



**Example of parking location when detached from a building**

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## Chapter 17.20: Public Zones

### §17.20.010. Public Zones Established

The following districts are established as Public base zoning districts:

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

### §17.20.020. Public Zone (PUB)

#### A. Purpose.

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.



The Public zone is intended to support lands and facilities that are owned and operated by governmental or non-profit entities and that serve and benefit the community. The zone is intended to provide for permitted and conditionally permitted uses in a manner that is harmonious with adjacent and nearby residential, commercial, or industrial uses and which protects the public's health, safety, and general welfare.

#### B. Applicability.

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.



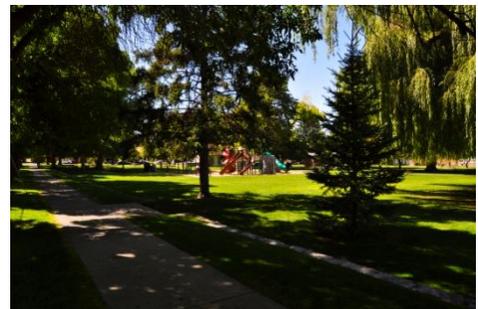
Utah State University properties are zoned Public; however, these state owned lands are exempt from local zoning requirements. Private projects on University lands may be subject to City development standards and permitting requirements.

### §17.20.030. Recreation Zone (REC)

#### A. Purpose.

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. These areas serve to:

- Provide opportunities for active and



- passive outdoor recreation;
- Provide contrasts to the built environment;
- Preserve scenic qualities;
- Protect sensitive or fragile environmental areas;
- Preserve the capacity and water quality of the stormwater drainage system; and
- Provide pedestrian and bicycle transportation connections.

**B. Applicability.**

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 17.21: Public Zones Uses

### §17.21.010. Primary Land Uses

Table 17.20.040 lists the primary uses allowed within the Public zones.

### §17.21.020. 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 reviewed and approved in accordance with the conditional use permit procedures of Chapter 17.49. Only one such dwelling shall be allowed per lot.

### §17.21.030. 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.

### §17.21.040. 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 17.21.040: Allowed Uses in Public Zones**

Land Use	Zones	
	PUB	REC
<b>Residential Uses</b>		
Assisted Living Center	N	N
Nursing Home, Convalescent Home	N	N
Caregiver, Certified NA or CA	N	N
Group Home where care, training, or treatment IS provided on site.	C	N
Group Home where care, training, or treatment IS NOT provided on site.	C	N
Dormitories, Fraternities, Sororities	C	N
Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals.	N <sup>1</sup>	N <sup>1</sup>
<b>Institutional Uses</b>		
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
Parks and Open Areas	P	P

<sup>1</sup> One residential dwelling may be conditionally permitted for a caretaker or security personnel.

## 17.21: Public Zone Uses

Land Use	Zones	
	PUB	REC
Religious Institutions	N	N
Safety Service	P	C
Public Schools (K-12)	State law supersedes local zoning regulations	
Private schools (K-12)	N	N
<b>Utility Uses</b>		
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
<b>Commercial Uses</b>		
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 short term occupancy (less than 30 calendar days)	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
<b>Industrial Uses</b>		
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
<b>Other Uses</b>		
Agricultural uses and activities	P	P
Air Passenger Terminals	P	N

17.21: Public Zone Uses

Land Use	Zones	
	PUB	REC
Detention Facilities	C	N
Residential Programs for Drug & Alcohol Treatment	N	N
Alternative or Post Incarceration Facilities	N	N
Mineral Resource Production, Processing, Storage	C	C
Rail Lines	P	P

## Chapter 17.22: Development Standards: Public Zones

### §17.22.010.

#### A. Purpose.

The purpose of Chapter 17.22 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. Applicability.

These standards apply to all development proposals in Logan's Public zones. Some Sections of 17.22 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 17.50. 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.

### §17.19.020. Land Use

Land uses shall conform to the provisions of Chapter 17.21. Allowed uses shall not be modified through a variance.

### §17.19.030. 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.

A. Setbacks: Setback standards frame streets and public spaces, and encourage a consistent building wall along street edges where appropriate. 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.

C. Parking: Minimum parking standards 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.

### §17.19.040. Building Form

Building form standards are intended to provide predictable and economically viable requirements for building form that implement the purpose of each zone.

A. Building Heights: Buildings should provide a sense of street enclosure for pedestrians in more urban environments and step-down in height adjacent to neighborhoods. Building height in Public Zones adjacent to residential zones shall meet the height transition requirements contained in Chapters 17.14 and 17.18.

- B. Floor Heights: The intent of minimum ground and upper floor height standards is to provide commercially viable spaces at the ground-level and adequate working spaces above.
- 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.

**§17.19.050. Appearance**

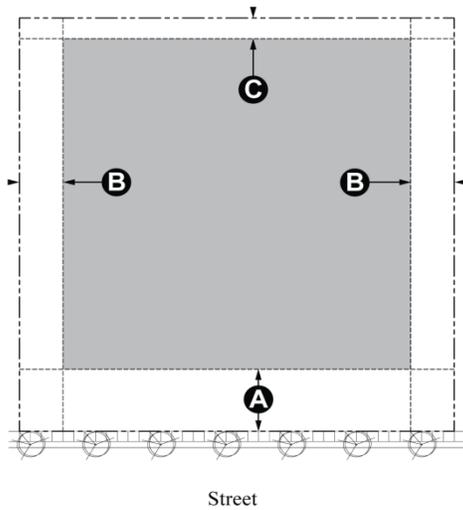
Appearance standards ensure that new development is of high quality and helps to create an environment that is human-scaled, pleasant and safe for pedestrians, and consistent with the purpose of each zone.

- 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 high quality construction materials and to foster visual continuity on the publicly viewed sides of buildings.

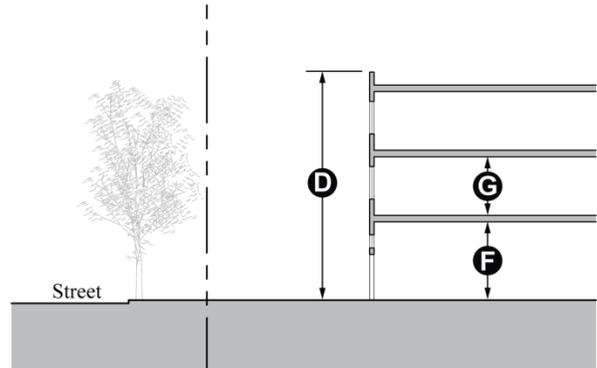
**§17.19.060. Procedures for Review and Approval**

All proposed changes in land use and proposed developments shall be processed in accordance with the procedures and permit requirements in Chapters 17.46 through 17.59, as applicable.

**§17.22.070. Public Zone and Recreation Zone Development Standards**



Site Plan Diagram



Site Section Diagram

<b>Residential Density</b>	
Units/acre (max)	NA
<b>Site</b>	
Lot coverage (max)	50%
<b>Setbacks</b>	
<b>A</b> Front (min)	30'
<b>B</b> Side (min)	20'
<b>C</b> Rear (min)	10'
Parking (min)	30'
Outdoor Activities Facilities (see Other Standards below)	
<b>Parking</b>	
See Chapter 17.38	
Location	Rear or Side

<b>Land Set Asides (17.35.020)</b>	
Not Applicable. Open Space is established during Design Review.	
<b>Building Form</b>	
<b>Building Heights</b>	
Stories (min)	NA
<b>D</b> Height (max)	35'
See Other Standards for height exceptions.	
<b>Floor Heights</b>	
<b>F</b> Ground Floor (min)	12'
<b>G</b> Upper Floors (min)	9'
<b>Transparency</b>	
Ground Floor (frontage)	30%
Ground Floor (exposed sides)	30%
Upper Floors (frontage)	20%

**Building Form (Continued)**

**Elevations**

Blank lengths of wall exceeding 30 linear feet are prohibited on all exposed building facades. Acceptable breaks include transparent or lightly tinted windows, balconies, horizontal building modulation (e.g. recess), and/or changes in color or material.

**Weather Protection**

Required for ground floor entrances (awnings, canopies, colonnades, marquees, building overhang)

**§17.22.070. Public Zone and Recreation Zone Development Standards****Building Form (Continued)****Entrances**

For public buildings within the perimeter or adjoining the TC, COM, MU, UC zones, entrances shall be as required in §17.18.030. For all other entrances a public pedestrian entrance shall face a public street.

**Building Design**

See Section 17.18.020, Building Design.

**Accessory Structures**

Shall be architecturally consistent with the principal structure in materials, color, roof pitch, and detailing.

**Other****Compliance with Other Standards**

Compliance with all other applicable sections of the Logan Land Development Code is required.

**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.

**Height Exceptions**

The maximum height standards of Section 17.22.070 apply to all primary and accessory uses allowed within Public and Recreation zones, except that the following may exceed the stated height limits 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 height limits with a Conditional Use Permit.

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## **Article IV: Overlay Zoning Districts**

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## Chapter 17.23: Overlay Zones Established

### §17.23.010. Overlay Zones Established

- A. AL: Airport Limitation Overlay Zone, Chapter 17.24.
- B. SP: Drinking Water Source Protection Overlay Zone, Chapter 17.25.
- C. HL: Historic Landmark Overlay Zone, Chapter 17.26.
- D. HD: Historic District Overlay Zone, Chapter 17.27.
- E. GW: Gateway District Overlay Zone, Chapter 17.28.
- F. GF: Greenfield Overlay Zone, Chapter 17.29.
- G. H: Hospital Overlay Zone, Chapter 17.30.
- H. CL: Critical Lands Overlay Zone, Chapter 17.31.
- I. LF: Landfill Overlay Zone, Chapter 17.32.
- J. X: Existing lot size Overlay Zone, Chapter 17.33.

### §17.23.020. 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 17.24: Airport Limitation (AL) Overlay Zone

### §17.24.010. 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.

### §17.24.020. 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.

### §17.24.030. 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 §2-4-5.
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.

### §17.24.040. 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 §2-4-5.
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.

### §17.24.050. Permitted Uses

In lieu of the permitted uses identified in each of the base zoning districts, the following uses shall be permitted in the Airport Limitation Overlay Zone following conformance to development standards and issuance of appropriate permits:

## 17.24: Airport Limitation (AL) Overlay Zone

1. Aircraft maintenance facilities;
2. Air service buildings and facilities at airports;
3. Agriculture, subject to airport hazard area regulations;
4. Hangars;
5. Warehousing and storage; mini storage warehouse;
6. Classrooms related to Utah State University's aviation-related educational program; and
7. All uses not prescribed in this section shall be conditional uses and shall be reviewed under the provisions pursuant to Chapter 17.49.

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

**§17.24.070. 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.

**§17.24.080. 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 17.25: Drinking Water Source Protection (SP) Overlay Zone

### §17.25.010. 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, and by the designation and regulation of property uses and conditions which may be maintained within such zones.

### §17.25.020. 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.

### §17.25.030. 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;
  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';

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17.25: Drinking Water Source Protection (SP) Overlay Zone

5. Manure piles;
6. Uncontrolled salt piles; and
7. Class V underground injection wells.

## Chapter 17.26: Historic Landmark (HL) Overlay Zone

### §17.26.010. 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.

### §17.26.020. 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.

### §17.26.030. 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.

### §17.26.040. 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 17.13.040.

### §17.26.050. 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;

## 17.26: Historic Landmark (HL) Overlay Zone

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;
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.

**§17.26.060. 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 17.27: Historic District (HD) Overlay Zone**

### **§17.27.010. 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. District boundaries are shown in Figure 17.27.020.

### **§17.27.020. Modifications of Historic District Boundaries**

#### **A. Procedure.**

The Historic Preservation Committee may initiate a survey of areas adjacent to the existing Historic District in order 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.**

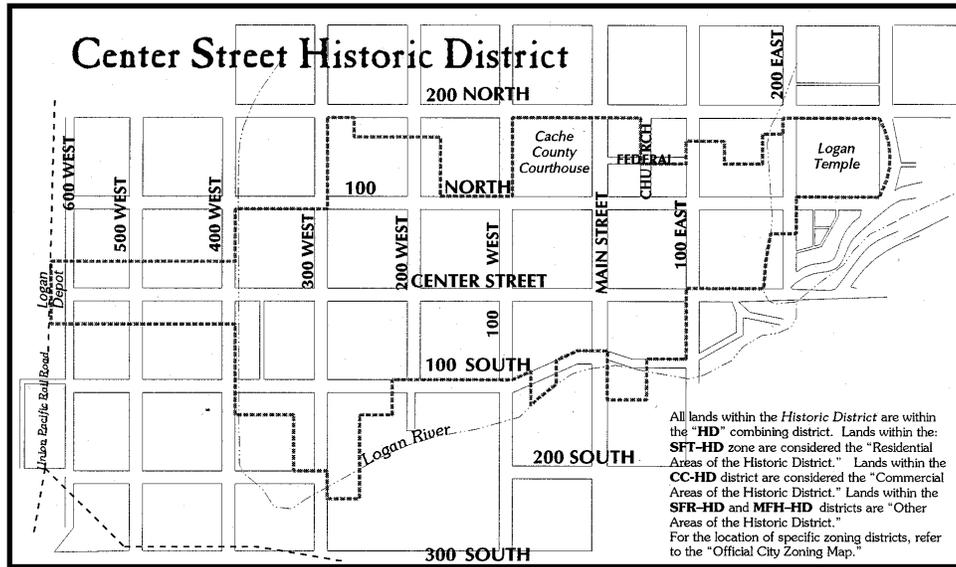
The Municipal Council may modify district boundaries or create additional Historic Districts upon presentation of the results of the survey and any comments from the Historic Preservation Committee and the State Historic Preservation Office. A public hearing shall be held prior to action by the Council. 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 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.

### **§17.27.030. 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.

**Figure 17.27.020: Logan Center Street Historic District****§17.27.040. 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 17.27.050.

**§17.27.050. Certificate of Appropriateness****A. The following types of activities require a Certificate of Appropriateness by the Historic Preservation Committee:**

1. New construction;
2. Demolition of contributory structures;
3. Exterior construction requiring a building permit;
4. Removal or replacement/alteration of architectural detailing, such as porch columns, railing, window moldings, window sash replacements, cornices;
5. Construction of additions;
6. Construction or alterations of accessory structures, such as garages and sheds;
7. Construction or alterations of porches and decks;

## 17.27: Historic District (HD) Overlay Zone

8. Exterior masonry work including, but not limited to, sandblasting and chemical cleaning;
  9. Installation of new siding and roof materials;
  10. Alteration of streetscape features including, but not limited to, curb, gutter and canals; and
  11. Installation or alteration of any exterior sign;
- B. The following types of applications shall be reviewed administratively by the Director:
1. Fences and retaining walls;
  2. Demolition of non-contributing structures;
  3. Demolition of accessory structures;
  4. Signs; and
  5. Maintenance and upkeep.
- 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.
- D. The Historic Preservation Committee may approve, conditionally approve, or deny the application after reviewing all submitted materials, consideration of 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. Application Materials.  
In addition to the appropriate application form, the application shall include any documentation required by the Historic Preservation Committee.
- F. Public Notice.  
Public noticing for Certificates of Appropriateness are processed under the provisions of Chapter 17.55 and the requirements of this chapter.
- G. Appeals.
1. All administrative decisions may be appealed to the Historic Preservation Committee within 15 days following the administrative decision.
  2. Decisions of the Historic Preservation Committee may be appealed to the Board of Appeals within 15 days following the Committee's decision.

**§17.27.060. Standards for Certificate of Appropriateness**

- A. Logan Center Street Historic District Design Standards.  
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. Review of Certificate of Appropriateness.  
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.

**§17.27.070. Signs within the Historic District Overlay Zone**

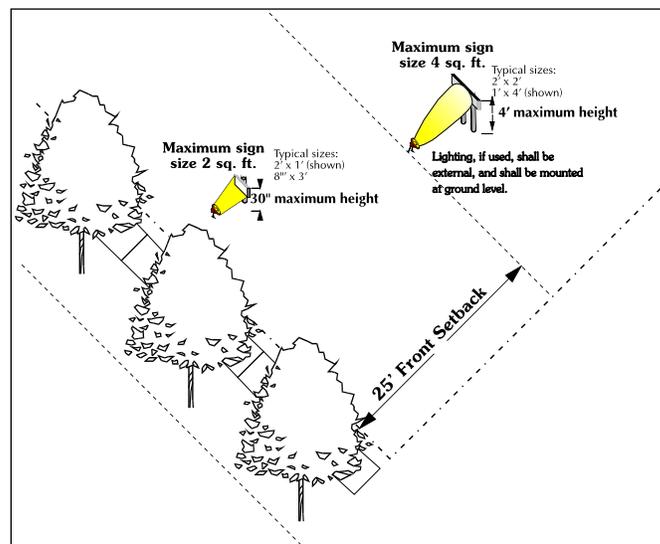
- A. Signs within Residential Areas of the Historic District Overlay Zone.

## 17.27: 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 17.40, 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

**Figure 17.27.070.A.1: Residential Signs in the Historic District**



## Chapter 17.28: Gateway Overlay Zone

### §17.28.010. 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.

### §17.28.020. Applicability

The gateway overlay zone will be applied to the five unique gateway corridors identified in Section 17.16. The use of the overlay zone will enable the City to prepare gateway standards unique to each corridor based on their specific circumstances rather than continue with the application of a single Gateway Zone. The gateway overlay zone will be applied within the following areas:

- A. **North Gateway.** The North Gateway, located on the north side of Logan along North Main Street, 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.
- B. **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.
- C. **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 ranges, 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.
- D. **South Gateway.** The South Gateway is the City's primary front door for visitors. Its purpose is to make a welcoming transition from the semi-rural highway to Logan's mixed use and commercial areas at the south end of the City. Gateway standards of large setbacks, extensive landscape, incorporation of natural lands, vista preservation,

## 17.28: Gateway Overlay Zone

agricultural conservation and high quality design is intended to enhance the area and give it cohesion. In addition to specific welcome signage and facilities, the right-of-way will be designed with a parkway character. Generously landscaped front setbacks will enhance this theme.

- E. **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 the majority of property within the East Gateway is public or quasi-publicly owned.

**§17.28.030. Boundaries**

The boundary for each of the gateway overlay zones are as follows:

- A. **North Gateway.** TBD
- B. **Northwest Gateway.** TBD
- C. **West Gateway.** 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.
- D. **South Gateway.** TBD
- E. **East Gateway.** TBD

**§17.28.040. Site Design and Development Standards**

The intent of the gateway overlay zones is to create an aesthetically pleasing entry point into Logan City. Industrial uses shall be constructed in a campus-type setting with lower buildings to preserve vista views, extensive landscaping and green areas between the development and the roadway, and all parking, loading and service areas located to the side or rear of any buildings with adequate screening. In addition to the design and development standards found elsewhere in this Title, the additional design and development standards for each Gateway Overlay Zone are as follows:

- A. **North Gateway.** TBD
- B. **Northwest Gateway.** TBD
- C. **West Gateway.**
  - 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 height of any building is 38'.
  - 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 frontage 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.
- D. **South Gateway.** TBD
- E. **East Gateway.** TBD

**§17.28.50. Permitted Uses**

In addition to the allowed uses identified within the underlying zones, the following uses are also permitted in each of the unique gateways as specified below:

- A. North Gateway. TBD
- B. Northwest Gateway. TBD
- C. West Gateway.
  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. South Gateway.
- E. East Gateway. TBD

**§17.28.60. Prohibited Uses**

The following uses are prohibited in each of the specific gateways:

- A. North Gateway. TBD
- B. Northwest Gateway. TBD
- C. West Gateway.
  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. Automobile, recreational vehicle, heavy equipment, and tractor trailer sales or service.
  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.
- D. South Gateway.
- E. East Gateway. TBD

**§17.28.060. Design Review and Approval**

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

## Chapter 17.29: Greenfield (GF) Overlay Zone

### §17.29.010 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.

### §17.29.020 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.



### §17.29.030 Greenfield Overlay Zone Application

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



### §17.29.040 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.



## 17.29: 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 17.30: Hospital (H) Overlay Zone

### §17.30.010. 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.

### §17.30.020. 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.

### §17.30.030. 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 in 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 17.31: Critical Lands (CL) Overlay Zone

### §17.31.010 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. Critical Lands will be identified on the Official Critical Lands Maps and shall include the following:

- A. Floodplains.
- B. Riparian Areas.
- C. Geologically Unstable Areas (Erosive Areas, Steep Slopes, Severely Constrained Areas).
- D. Wildfire Threats.
- E. Prime Agricultural lands.
- F. Essential Views.
- G. Wetlands.
- H. Critical Wildlife Habitat.

### §17.31.020 Review Process: Approval and Permit Required

- A. For projects within an identified Critical Area, compliance with the development requirements of this Chapter shall be determined during the underlying regulatory and review process outlined in 17.46, i.e., Design Review, Conditional Use Permit, subdivision, etc.
- B. Approval Criteria. A permit shall be issued when the Applicant demonstrates the following:
  1. That the development will not cause damage or hazard to persons or property upon, or adjacent to, the area of development.
  2. That the development is in compliance with the requirements of this Chapter and all other applicable requirement of the Municipal Code.
- C. The Decision Making Body may require project modifications to include any of the following conditions if necessary to mitigate any potential negative impact caused by the development:
  1. Require the retention of trees, rocks, ponds, watercourses, highly productive agricultural lands, and other natural features.
  2. Require plan revision or modification to mitigate negative or irreversible effects upon the natural features that the proposed development may cause.
  3. Avoid creating or exacerbating hazardous conditions adverse to the public health, welfare and safety.
- D. The Decision Making Body may deny a permit if the proposed development will have a detrimental effect on the lands regulated by this Chapter and appropriate mitigation is unavailable.

### §17.31.030 Land Classifications

The following factors shall be used to determine the classifications of various lands and their constraints to building and development:

- A. Floodplains. Lands with a potential flood hazard as identified by the City Engineer.

## 17.31: Critical Lands (CL) Overlay Zone

- B. Riparian Areas. Lands within 75 feet of the stream centerline for streams draining a basin size greater than 1 square mile, and the land within 25 feet of the stream centerline for streams that drain areas of one square mile or less. It also includes any wetlands or riparian area identified during the Federal 404 Permit Process.
- C. Geologically Unstable Areas. Lands that are geologically unstable due to potential erosion hazards, unstable slopes, steep slopes (slopes in excess of 30 percent), and areas susceptible to debris flows. Areas above and below canals on slopes greater than 10% that contain a high slope failure potential are also considered potential erosion hazard areas.
- D. Wildfire Lands. Lands with potential of wildfire as determined by the Logan City Fire Chief.
- E. Wetlands. Lands defined as wetlands by the U.S. Army Corp of Engineers.
- F. Prime Agricultural Land. Lands mapped by the State of Utah as Agricultural land of National or State Importance.
- G. Essential Views. Locally significant and important view corridors, view foregrounds, and view backdrops identified on the Essential Views Map.
- H. Critical Wildlife Habitat. Lands identified by the State of Utah as critical wildlife habitat.

**§17.31.040 Official Maps**

- A. The City shall adopt official critical lands maps denoting the above identified areas using the most accurate and best data available. Site specific critical lands information, such a formal wetland delineation or floodplain map amendment prepared by individuals with expertise in the critical lands in question may be considered by the City for inclusion in the official critical lands maps.

**§17.31.050 Development Standards for Floodplains**

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) and the most current Flood Insurance Rate Maps (FIRM) as administered by the City Engineer. Development within a designated Floodway is prohibited. All construction, and substantial improvement of any structure, shall have the lowest habitable floor, including basement, elevated to a minimum of 1' above the base flood elevation.

**§17.31.060 Development Standards for Riparian Areas**

All development within a Riparian Area shall comply with the following standards:

- A. All structures shall maintain a 25' setback from the top of stream bank within a riparian area with the exception of bridges, docks, viewing platforms, public recreational amenities, or other similar features.
- B. No more than 50% of the land area with the riparian area may be disturbed, including grading, clearing, grubbing, tree removal, etc. All disturbed areas shall be revegetated within 60 days of initial disturbance. Erosion control measures shall be implemented during all construction.
- C. Trees larger than 12" dbh shall not be removed from a riparian area unless they are considered a hazard tree, diseased or dead.

## 17.31: Critical Lands (CL) Overlay Zone

- D. Existing utilities may be maintained and/or replaced within a riparian area provided any disturbed areas are restored.
- E. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the Riparian Area are permitted provided the disturbed areas are restored using native vegetation.
- F. Stream, wetland, riparian and upland enhancement or restoration projects are authorized under this Chapter.
- G. 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 25' from the top the stream bank.
- H. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development are authorized under this Chapter.
- I. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or City ordinance are authorized under this Chapter.

**§17.31.070 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, alternative development should be considered.
- 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.
  - 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

## 17.31: Critical Lands (CL) Overlay Zone

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. Proximity to a high water table (water close to the ground surface);
  2. Surface water;
  3. Expansive soils;
  4. Collapsible soils;
  5. Proximity to a potential landslide area;
  6. Proximity to a secondary fault;
  7. Proximity to an alluvial fan;
  8. Proximity to an active landslide;
  9. Proximity to a primary Wasatch Fault zone; or
  10. 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 site plan or final plat map at the time the final plan or plat is filed.
- G. All structures in a Geologically Unstable area shall have foundations designed by an engineer or architect.
- H. All newly created lots, or lots modified by a boundary line adjustment, 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.

**§17.31.080 Development Standards for Lands with Wildfire Threats**

- A. Requirements for Subdivisions.

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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.

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- 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 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 17.31.080.

**§17.31.90 Prime Agricultural Lands**

- A. Logan's climate, topography and accessibility make it uniquely suited to the production, processing and distribution of agricultural products on a regional and national scale. Prime agricultural lands shall be governed by the following:
1. All lands identified as prime agricultural lands by the Utah Department of Agriculture shall be mapped by the City.
  2. Any proposed development within identified prime agricultural lands shall be governed by the uses allowed in the Rural Conservation (RC) zone.
  3. Prime agricultural lands should be preserved through a variety of tools, including, but not limited to:
    - a. Limiting development on highly productive agricultural lands;
    - b. Utilize land set asides in conjunction with other developments;
    - c. Permanent Open Space;
    - d. Use of conservation easements;
    - e. Purchase and transfer of Development Rights ;
    - f. Utilizing development incentives and creative site design to maximize development potential in suitable areas while preserving prime agricultural lands; and
    - g. Private land trusts.

**§17.31.100 Essential Views**

## 17.31: Critical Lands (CL) Overlay Zone

- A. The purpose and intent of this section is to protect the scenic quality of Logan City by ensuring that future development is compatible with existing land forms, including the ridgelines and hillside areas found on the east side of Logan. The intent of this Chapter is to accomplish the following:
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 designated public roads;
  2. Protect and preserve views of major and minor ridgelines from designated public roads;
  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.
- B. General Requirements for Essential Views.
1. All final grades, including all cut and fill slopes, visible from any designated public road 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 hillside development shall:
    - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
    - b. Be small scale and 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 and other surfaces that are of a non-reflective nature;
    - e. Utilize a variety of building and structural elements such 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; and
    - f. Ensure that the proposed structure does not break the skyline of a primary ridge when viewed from any designated public road.
  3. Roadways, driveways and utility alignments shall be:
    - a. Located to minimize grading by following existing contours;

## 17.31: Critical Lands (CL) Overlay Zone

- 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.

## Chapter 17.32: Landfill (LF) Overlay Zone

### §17.32.010. 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.

### §17.32.020. Applicability

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

### §17.32.030. 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 17.32.040 and Sections 17.32.050.

### §17.32.040. 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.

### §17.32.050. 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.

### §17.32.050. Design Review and Approval

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

## Chapter 17.33: Existing Lot Size (X) Overlay Zone

### §17.33.010. 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.

### §17.33.020. 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.

### §17.33.030. 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 17.34: Reserved**

## Chapter 17.35 Open Space

### §17.35.010. Purpose

The purpose of this Chapter is to promote and provide incentives for the setting aside of lands, whether publicly or privately owned, that are accessible to, and designed for, the use and enjoyment of the citizens of Logan. It is generally intended that open space set asides remain in private ownership and maintenance. Where there is a demonstrated public interest in open space set asides being dedicated to public ownership, and where sufficient funding exists to meet maintenance responsibilities, public dedication of open space may occur under the terms of this Chapter.



This Chapter establishes minimum standards for providing open and outdoor space set asides in all developments and subdivisions. It is intended to ensure that all development, including residential, commercial, and industrial projects, are designed with functional open space to promote the health, safety, enjoyment, and livability of residents, visitors, shoppers, and workers. Furthermore, Logan and its future annexation areas possess critical lands with qualities that shall remain in permanent open space for the future health, safety, and welfare of all residents, workers, and visitors of the City.

### §17.35.020. Applicability

All development or redevelopment required to obtain a Design Review Permit shall provide a required set aside of land as a condition of approval. The following types of set asides are required and further specified in Table 17.35.020:

1. Open Space.

Open space is an area of land or water that may be used for passive or active recreation, agriculture, conservation, landscaped areas, preservation of the natural environment, scenic land, and/or other similar uses. Open space areas shall be of a suitable size, topography, location, and shape to permit the activities for which it is intended as determined by the Planning Commission.

2. Useable Outdoor Space.

Land area within a lot or parcel, that is used in conjunction with a primary use, and designed and intended for the use or enjoyment of the residents and their guests of the development, and which includes improvements as necessary and appropriate for use as useable outdoor space. Useable outdoor space shall generally be landscaped and may include patios, decks, shade structures, play equipment, play courts, walkways, and landscaped plazas. Useable outdoor space may include accessory structures that enhance its use and enjoyment. Useable outdoor space shall not include parking, and/or driveways. Stormwater facilities may qualify as useable outdoor space if the physical characteristics of the stormwater facilities are considered functional as useable areas.

3. Exclusions to the Open Space and/or Useable Open Space Applicability.

The following types of ownership and/or development is exempt from the requirements of this Chapter:

A. Development on public lands;

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- B. Public or private utility developments 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;
- C. Development within the Town Center Zone;
- D. Development or redevelopment on existing legal lots within legal subdivisions which do not require a Design Review Permit; and
- E. Remodeling, renovation, redevelopment and/or change of use of commercial and industrial uses and which does not enlarge or expand the footprint of the existing building or use.

**Table 17.35.020: Developments requiring Land Set Asides.**

Type of Development	Minimum Area Required for Open Space (gross land area)	Minimum Area Required for Useable Outdoor Space (gross land area)
Residential	20%	10 %
Commercial	10%	10%
Industrial	10%	10%

**§17.35.030 Open Space Standards**

A. General Standards.

The following general standards shall apply to all open space:

1. Open space shall be configured for the purpose or use for which it is specifically proposed (e.g. preserve, active or passive park, playground, walkway/bikeway, agriculture, etc.);
2. Where practical, open space shall be contiguous with existing or future open space. As a rule, the contiguous interconnection shall be a minimum of twenty (20) feet in linear measure. The decision making body may reduce or waive the contiguous interconnection requirement when a lesser interconnection is deemed functional, such as for pedestrian walkways, or where the open space, though non-contiguous with other open space, is of sufficient size and design to function well and serve as a public asset;
3. A permanent restrictive covenant in the form of a perpetual conservation easement shall be placed upon open space land requiring its maintenance as open space;
4. Lands defined as critical or sensitive lands elsewhere in this Title may be included in the determination of required open space;
5. 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);
6. The developer may locate and design open space wherever desirable for the efficient and advantageous use of the property; however, the City may specify the location and configuration of open space on the property as deemed necessary to connect adjacent or future open space;
7. At no time shall any open space be reduced in size, subdivided, used, or modified beyond its original intent unless the project is amended through a design review permit and an amendment to the subdivision (if applicable) is filed per Utah Code;

## 17.35: Open Space

8. The developer shall declare the specific intended use of open space areas in the permit application. The use of open space shall be limited to the following:
    - a. Recreational uses such as parks and trails;
    - b. Lakes, ponds, wetlands, and streams;
    - c. Natural landscapes;
    - d. Agricultural lands;
    - e. Conservation easements held by a recognized conservation organization or other type of ownership as permitted by this Chapter; or
    - f. Visual amenities or expanded development setbacks.
  9. The developer shall declare the specific intended use of the usable outdoor space in the permit application. The use of usable outdoor space shall be limited to the following:
    - a. Active recreational uses such as play fields, parks, trails, play grounds, and related parking areas;
    - b. Swimming pools, recreation centers, hot tubs, and spa's;
    - c. Decks, patios, plazas, and gathering areas, plaza's; or
    - d. Stormwater Facilities.
  10. The following are not allowed in open space areas;
    - a. Motorized vehicles, except farm equipment supporting agriculture uses or parking areas accessory to the permitted open space use;
    - b. Signs other than incidental signs for allowed uses; or
    - c. Buildings and structures, except those incidental to the use of the open space.
  11. All developments with common areas, common facilities, or open space areas shall be owned and managed by a "homeowner association" as defined in U.C.A §57-8a;
  12. The following notation shall be recorded on the face of the final plat where open space is included in the overall project design, or within the final design review permit approval if a plat is not required:
 

*"The City of Logan shall have the right, but not the duty, to require, and if necessary, perform, at the organization's expense, landscaping, maintenance and snow removal, as applicable, within the open space areas if the organization fails adequately to perform such. The City may take this action when asked to take over improvements or maintenance tasks by the homeowner's association. The City may also take such action when it determines the need based on a historical pattern of lack of care and maintenance. In the event Logan City exercises this right, the City shall be entitled to recover any associated costs and attorney fees. This notation shall not be amended or deleted without the written approval of Logan City"*.
  13. Leasing, renting or use by any entity or person other than the homeowners' association of any portion of the open space shall be reviewed and approved by the Director for use compatibility.
- B. Ownership of Open Space.
- Open space shall be protected through a perpetual conservation easement held by the City or by a recognized land trust, conservancy, or homeowners' association. The ownership document shall be reviewed and approved by the City and recorded at the office of the county recorder. Open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the City:
1. **Type 1 - Offer of Dedication:** The city shall have the first and last offer of dedication of open space in the event said land is to be conveyed. Dedication shall take the form of fee simple ownership. The City may, but shall not be required to,

## 17.35: Open Space

accept open space provided that the City shall consider and make the following findings in its review of public dedication of open space:

- a. Such land is accessible to the city and adjacent to a public right-of-way or legal easement.
  - b. There is no cost of acquisition other than any cost incidental to the transfer of ownership.
  - c. The city agrees to maintain such lands. Where the city accepts dedication of open space that contains improvements, the city may require the posting of financial security to ensure satisfactory functioning and structural integrity of improvements for a term not to exceed one (1) year from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
  - d. There shall be documentation of a clear plan for the conveyance of the open space to the accepting public entity, with a written agreement of acceptance from said entity. Copies of all documents related to conveyance shall be filed with the City Attorney.
  - e. There shall be documentation of an agreement as to the condition of the open space necessary for acceptance and conveyance. This shall include stipulations as to what improvements, if any, are expected, and whether the developer or the City is responsible for installation of said improvements. If the public dedication is part of a request for any bonus under this ordinance, the City may require of the developer a reasonable contribution towards improvement of the open space. The developer may have the option of actually constructing the improvements or making a monetary contribution to the City based on the cost estimate of a certified civil engineer, landscape architect or guaranteed contractor proposal acceptable to the City.
2. **Type 2 - Homeowners' Association (HOA):** The open space and associated facilities may be held in common ownership by a homeowners' association. The HOA shall be formed and operated as prescribed in 17.35.040 with the additional provisions:
- a. The developer shall provide covenants, conditions and restrictions (CC&Rs) of the association, including its bylaws, articles of incorporation and methods for maintaining the open space. The CC&Rs shall be reviewed and approved in content and form by the city. Acceptance of the CC&Rs by the city will be contingent upon meeting the intent and conditions required by this code. The CC&Rs will be approved by the City prior to filing the CC&Rs with the final plat.
  - b. The association shall be organized by the developer and be operated with financial subsidy by the developer prior to the sale of any lots within the development. The association shall be continued to be operated by the developer until transferred to the permanent HOA.
  - c. A narrative describing ownership, use, and maintenance responsibilities shall be submitted for all common and public improvements, utilities and open space within critical lands and open space. There shall be documentation of legally enforceable mechanisms for responsibility of maintenance of the open space as specified herein

## 17.35: Open Space

- d. Membership in the association is automatic and mandatory for all purchasers of homes or lots therein, and including their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified in the CC&Rs.
- e. The association shall be responsible for maintenance of insurance and taxes on open space, enforceable by liens placed by the City.
- f. The members of the association shall share equitably the costs of maintaining and developing open space. Fees shall be determined by the association and assessed and deposited in an escrow account. Shares shall be defined within the association bylaws.
- g. The developer of the subdivision shall endow the newly formed homeowners' association with funds equivalent to ten percent (10%) of the development cost for all common improvements plus an amount equal to one year's operating expenses to maintain and insure the open space. These funds shall be used exclusively by the HOA to operate, maintain and insure the HOA for the first year that the association begins to operate independently of the developer. Remainder funds, if any, shall be used in subsequent years. Funds shall be deposited in a checking account in the name of the HOA within ten (10) days after the day which the HOA begins to operate independently of the developer.
- h. In the event of a proposed transfer, within the methods herein permitted, of open space by the homeowners' association, or of the assumption of maintenance of the open space by the City, notice of such action shall be given to all property owners within the development.
- i. All improvements to the open space held in common or intended to be held in common by the HOA shall be installed, completed and accepted prior to the beginning of the second phase of construction, or if the project is not phased, prior to sale of 20% of the total lots in the project. If phasing of the improvements to the open space is required by the developer, all incomplete improvements for the open space shall be secured through a bond (17.56.030) equal to 150% of the estimated value of the improvements, posted by the developer.
- j. The association shall have adequate staff to administer common facilities and properly and continually maintain the open space.
- k. The homeowners' association may lease open space to any other qualified person, or corporation, for operation and maintenance of open space by lease agreement, which shall provide that:
  - 1) The residents of the development shall at all times have access to the open space contained therein, except that agricultural crops may not be accessed unless the grower specifically allows;
  - 2) The open space to be leased shall be maintained for the purposes set forth in this title;
  - 3) The operation of facilities within the open space may be for the benefit of the residents only, or may be open to the residents of the City, at the election of the developer and/or homeowners' association, as the case may be; and
  - 4) The lease shall be subject to the approval of the Director specific to the compatibility of use of open space intended by the lessee.

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1. A conservation easement shall be established to provide a permanent preservation of the open space. The easement shall be indicated on the recorded plat, shall state the ownership of the easement, and shall reference the maintenance agreement also recorded with the final plat.
3. **Type 3 - Transfer Of Easements To Private Conservation Organization:** With the recommendation of the Planning Commission, an owner may transfer easements or ownership to a private nonprofit organization, among whose purposes it is to conserve land, provided, that:
  - a. The organization is bona fide conservation organization with perpetual existence;
  - b. The conveyance contains appropriate provision for proper reversion or retransfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and
  - c. A maintenance agreement acceptable to the City is entered into by the developer/owner, the City, and the organization.
- C. **Maintenance Standards.** The following maintenance standards shall be fulfilled for all opens space:
  1. The owner of the open space shall be responsible for maintenance and the raising of all monies required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The maintenance organization shall be authorized, under its bylaws, to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
  2. In the event that the maintenance organization, or any successor organization, shall, at any time after establishment of a development containing open space, fail to maintain the open space in reasonable order and condition, the City may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space in reasonable condition.
  3. Failure to adequately maintain the open space in reasonable order and condition constitutes a violation of this title. The City is hereby authorized to give notice, by personal delivery or by United States Postal Service, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within thirty (30) days. Further, the City shall be authorized to assume maintenance of the open space in such a manner as it deems appropriate.
  4. Should any bill or bills for maintenance of the open space by the City be unpaid by January 1 of each year, a lien shall be filed against the premises in the same manner as other municipal claims. The City shall be entitled to recover any costs and attorney fees incurred in collecting or recovering any such amounts due to the City.
- D. **Public Access to Open Space.**

The public shall have access to open space areas, when mutually agreed upon by all parties. Any public access within open space areas shall be clearly defined on the ground and delineated within the approval documentation. Lots designed with rear facing open space shall be accessible at all times and all locations. At no time shall public access be denied unless unsafe conditions exist or unless approved by the City.

### §17.35.050 In Lieu Substitutions for Open Space Requirements

#### A. Purpose.

The City finds that in certain circumstances, land in other locations may be substituted for open space requirements where it is advantageous to preserve important and critical

## 17.35: Open Space

open space areas while encouraging the development or redevelopment of property within the City.

B. Applicability.

“In lieu substitution” or “in lieu of open space substitutions” may be permitted by the decision making body under the following circumstances:

1. Where agricultural land is being substituted, equally productive or more productive agricultural land must be substituted.
2. For in lieu substitutions, use of the open space land shall be limited to the uses allowed in open spaces in 17.35.040.
3. In lieu substitutions of land intended to fulfill the requirements for open space may be allowed when it is factually established, by a qualified land appraiser, that the substituted land is at least equal to or greater than the value of land compared with the development property as if developed fully as proposed. The City must agree to and approve the land area to be appraised both from the original site and the proposed substituted site prior to the appraisal. The appraiser will be selected by and contract with the City. The fees for the appraisals will be reimbursed to the City at cost by the developer.
4. Any land which has been dedicated, set-aside, platted, or otherwise approved as open space may not be substituted or used for any purpose other than those allowed in this Chapter.

C. Applications for in lieu open space substitutions for property outside of the corporate boundaries of Logan City may be considered if the potential open space area is of a significant cultural, historical, agricultural, or environmental benefit to residents of Logan City.

D. Types of Open Space Substitutions Available: The following options are available to developers to propose to the City for in lieu substitutions for open space requirements:

1. Cash in lieu: The City may, at its sole discretion, accept cash in lieu of open space requirements where such funds can be more effectively used to acquire land at a more appropriate or significant location consistent with the General Plan, the Parks and Recreation Master Plan, the Annexation Plan and other adopted documents identifying substitute sites for open space. Cash in lieu payments shall not be accepted until a qualified appraisal, authorized by the City and at the cost of the applicant, identifying the value of the original land for which the in lieu substitution is proposed, based on the use that will be permitted if the open space requirement is removed, and for which cash in lieu shall be offered. The City shall be obligated to use in lieu funds for uses identified in this Chapter, and shall diligently pursue purchase of the land for this purpose to prevent erosion of purchasing power.
2. Land in lieu: The City may, at its sole discretion, accept land in lieu of open space requirements under the following conditions:
  - a. The proposed land to be substituted is consistent with the General Plan, the Parks and Recreation Master Plan, the Annexation Plan and other adopted documents identifying substitute sites for open space;
  - b. Other land is acceptable to and approved by the City as open space in a location determined by the City to be a substitute site;
  - c. Acceptable and approved land is dedicated to the City with unencumbered title; and
  - d. In lieu substitution for open space is retained in use and ownership consistent with other acceptable forms of open space ownership in this Chapter.

3. Purchase of Development Rights:

The City may, at its sole discretion, accept the purchase of development rights by the developer to meet in lieu of open space requirements under the following conditions:

- a. Other land of sufficient size and value is acceptable to, and approved by, the City as open space in a location determined by the City;
  - b. The proposed land to be substituted is consistent with the General Plan, the Parks and Recreation Master Plan, the Annexation Plan and other adopted documents identifying open space sites;
  - c. Land where development rights are purchased by the applicant shall be subject to a recorded conservation easement that runs with the land and exists in perpetuity. The conservation easement shall be held by a recognized conservation organization acceptable to the City and is subject to the requirements for such ownership as stated in this Chapter. All documentation shall be reviewed and approved by the City;
  - d. Cost of the purchase of development rights by the applicant is equivalent to the value of the original land for which the in lieu substitution for open space is proposed, based on the use that will be permitted if the open space requirement is removed, and for which purchase of development rights shall be offered;
  - e. Uses of the land within the conservation easement are consistent with other acceptable forms of open space ownership and uses in this Chapter; and
  - f. The recordation of the final plat, the recordation of any conservation easements and ownership instruments, shall occur simultaneously with the purchase of all development rights.
- E. In lieu substitution applications shall first be reviewed by the Planning Commission as a part of the initial application for Design Review Permit. Approval of the in lieu substitution shall be obtained from the Municipal Council before recordation of the Final Plat or issuance of a building permit, whichever occurs first.
- F. The provisions of Chapter 17.35 shall be effective for all applications for Design Review Permit filed on or after the effective date of this ordinance; however, the Planning Commission and the Mayor shall have the authority to approve an in lieu substitution for open space for an existing subdivision or development containing approved open space, subject to such application first being submitted to the Planning Commission for its consideration and recommendation to the Mayor. If the in lieu substitution application is approved, the applicant shall comply with all applicable land use laws of the City and State.

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# **Article V: Supplemental Regulations**

## Chapter 17.36: Standards, Specifications, and Improvements

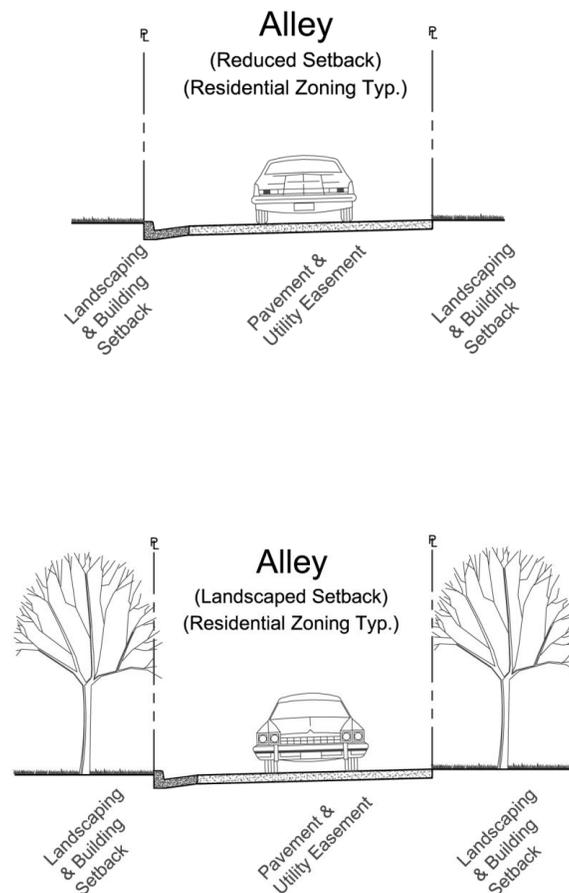
### §17.36.010. Purpose

The purpose of this chapter is to provide for uniform application of Public Works standards and specifications 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 Standards and Specifications manual as approved by the Director of Public Works.

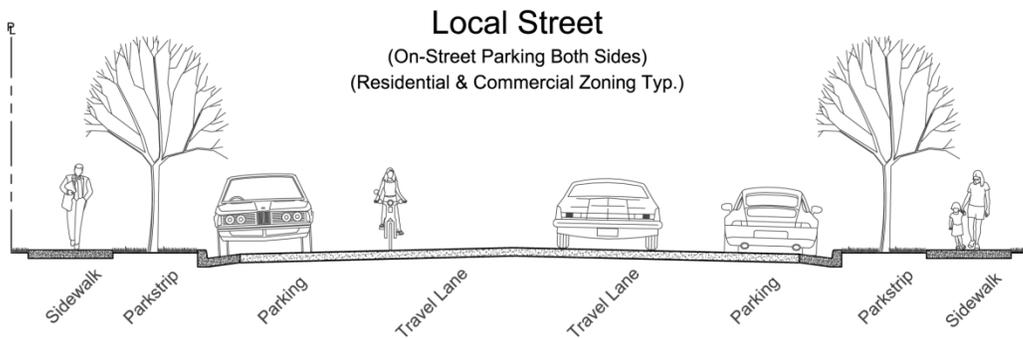
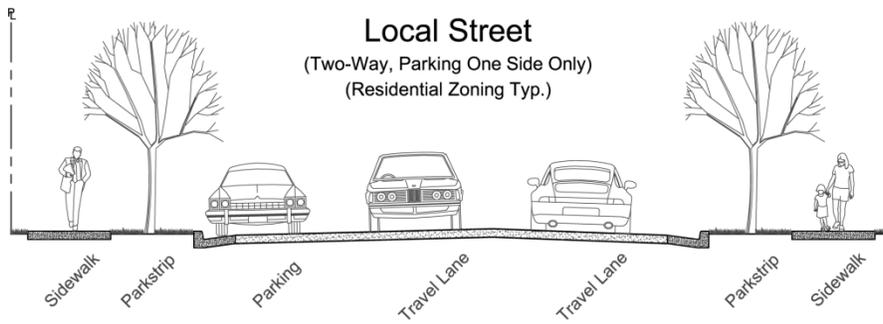
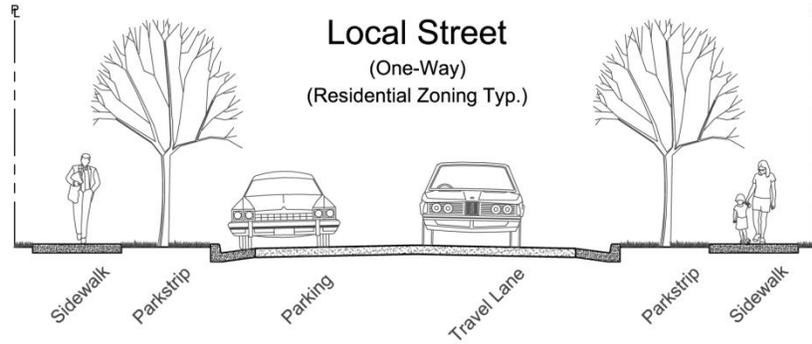
### §17.36.020. Typical Road Cross Sections

Road cross sections are illustrated in this Chapter for general reference only. Detailed current Road Cross Sections are administered by the Director of Public Works and can be found within the Public Works Standards and Specifications. If inconsistencies occur between the two graphics, the Public Works Standards and Specifications Road Cross Sections shall prevail.

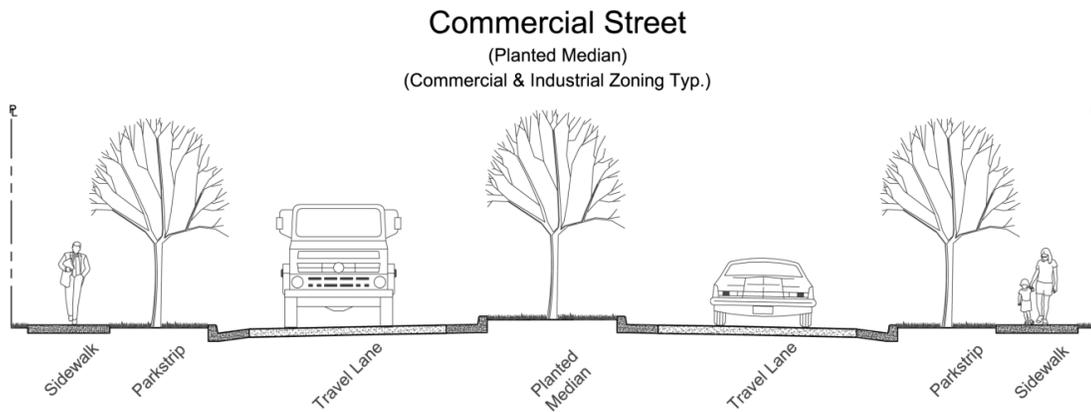
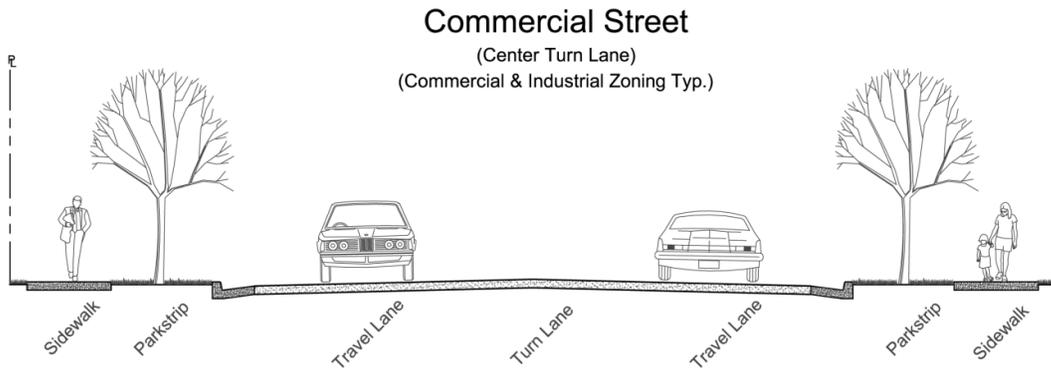
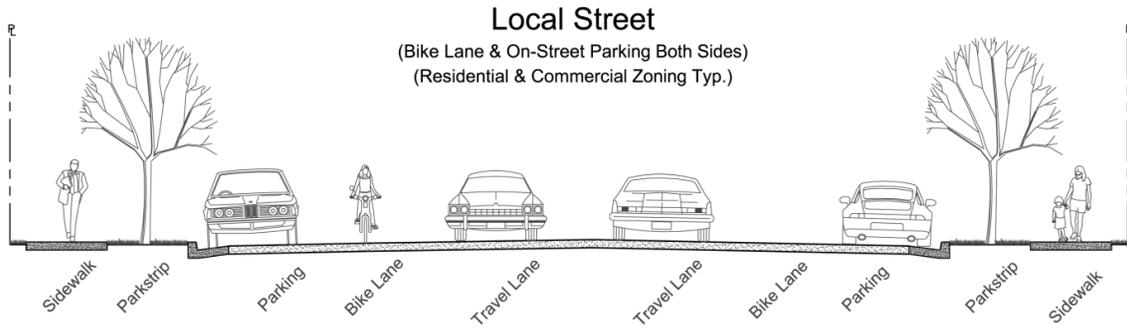
**Figure 17.36.020.A: Typical Road Cross Sections**



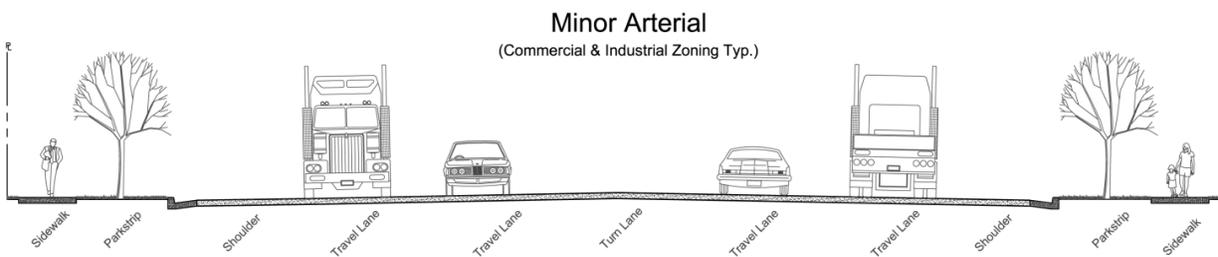
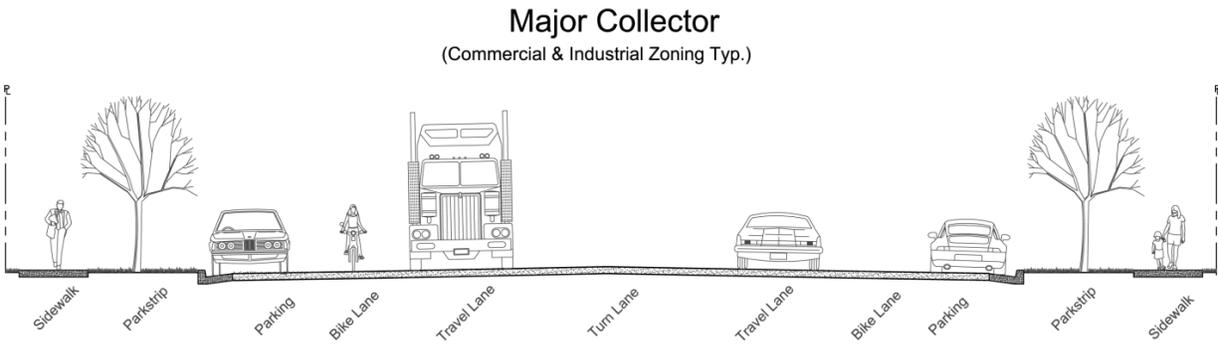
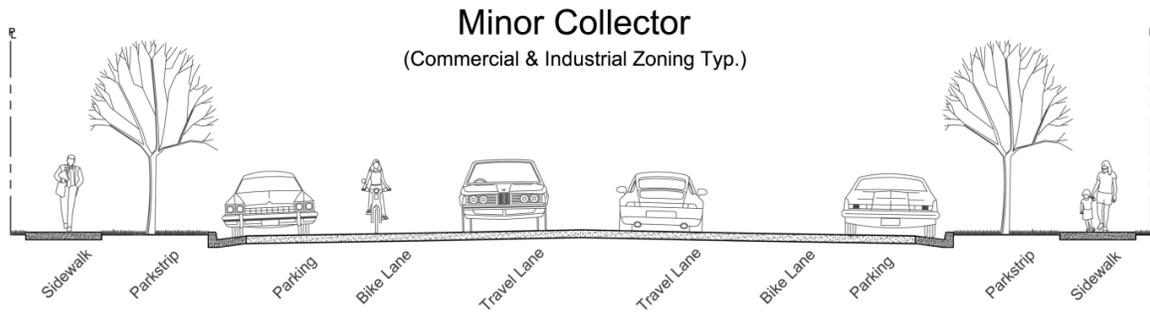
17.36: Standards, Specifications, and Improvements



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**§17.36.030. Right-of-Way Access and Driveways**

**A. Purpose.**

The right-of-way access regulations of this chapter are intended to maintain and improve traffic levels of service by managing the number and 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 parking areas directly onto public rights-of-way are prohibited.
2. **Maintenance of Parking Bridges.** Parking 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 Cache Metropolitan Planning Organization (CMPO) access management policy process.
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.

**§17.36.040. 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. Decision makers may require shared access if it is feasible for separate property owners to enter into an agreement.

**§17.36.050. Access Adjoining Major Streets****A. Arterial and Major Collector Streets.**

Whenever 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. The determination shall be consistent with the currently adopted City of Logan Transportation Master Plan and General Plan Transportation Element.
2. The 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 direct access to 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.

## 17.36: Standards, Specifications, and Improvements

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 points of access;
  2. Driveways, if permitted, shall be required to be aligned on the City's grid system by either:
    - a. Aligning with existing driveways across from the proposed new driveway location, or
    - b. Aligning the driveways in locations approved by the Director of Public Works to create safe driveway separations and accommodate other potential driveways within the project area.
  3. If the project is a subdivision, the number of lots within a proposed subdivision 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, the 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 the 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, reduce the number of driveways or change driveway locations, or impose other design considerations in order 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 purposes of 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 a logical future connections.

**§17.36.060. Driveway Specifications****A. Residential Driveways.**

1. Driveways shall lead to a garage or parking area located outside of the front, side and rear setbacks. Driveways serving residential developments shall be not less than twelve feet in width for single lane driveways. A residential driveway at the edge of the right of way (ROW) shall not exceed 22 feet in width.
2. Only one driveway is permitted on a single family residential lot, except as specified in subsection 17.36.060.B for circular driveways.
3. More than one driveway may be permitted for multi-dwelling structures, if approved as a part of the design review permit for new construction or with a right-of-way access permit.

**B. Circular Driveways.** Circular driveways may be permitted by the Director or the Director of Public Works for residential development on minor collector or residential streets. Maximum driveway width of a circular drive shall be ten feet within the property and 12 feet at the street. Circular driveways shall only be permitted if the lot frontage is greater than 100 feet in width or a corner lot with at least 100 feet of clearance from curb on the intersection for each driveway. A right-of-way access permit shall be required.**C. Non Residential Driveways.**

1. Entry (ingress) lanes shall be limited to a maximum width of sixteen feet, except as noted in this subsection.
2. Exit (egress) lanes shall be at least twelve 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-foot lane for straight traffic.
3. Typical non-residential driveway width shall be forty (40) feet (one sixteen foot ingress lane and two twelve foot egress lanes) with a maximum established at fifty-two feet when approved by the Director of Public Works.
4. The decision-makers or Director of Public Works may approve varied widths based on site specific and project specific conditions and traffic safety.

**§17.36.070. 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 three hundred 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.

## 17.36: Standards, Specifications, and Improvements

1. Number of Driveways: One driveway is allowed per lot or per three hundred 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 fifty-two (52) feet. The Director of Public Works may require that driveways wider than twenty-four (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.

**§17.36.080. Reserved****§17.36.090. 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 two (2) foot strip shall be landscaped and maintained by the property owner.

**§17.36.100. Driveway and Parking Surface**

Driveways shall be constructed according to Department of Public Works Standards and Specifications. 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.

**§17.36.110. Complete Public Streets**

All City owned streets, public right-of-ways, bridges and all 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 likely 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 within 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.

## 17.36: Standards, Specifications, and Improvements

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."

**§17.36.120. 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.

**§17.36.130. Private Drives**

Reserved.

**§17.36.140. Curb, Gutter, Sidewalk, and Drainage Requirements**

All Curb, Gutter, Sidewalk and Drainage improvements shall be designed and constructed to the Department of Public Works Standards and Specifications.

**§17.36.150. 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 in Department of Public Works Standards and Specifications and as approved 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 17.39.

**§17.36.160. Bridges and Culverts**

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

**§17.36.170. Stormwater, Stormwater Detention, Stormwater Retention****A. Purpose.**

Adequate provision shall be 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. Applicability.**

This Section applies to all new development and redevelopment subject to design review.

**C. Standards.**

1. All 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 Standards and Specifications.
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.

## 17.36: Standards, Specifications, and Improvements

3. Natural drainage ways and aboveground storm water facilities shall be enhanced and incorporated as an amenity into the development.
4. When a detention or retention pond is required, the development shall include a landscape plan that utilizes landscape materials that reflect the natural traditions of Logan.
5. New development is encouraged to utilize Low Impact Development Practices where site conditions permit.



**§17.36.180. Waterlines and Fire Hydrants.**

- A. Water Distribution Systems. Water distribution systems shall be constructed by the property owner to State of Utah regulations and the Department of Public Works Standards and Specifications.
- B. Water Pressure. 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. Fire hydrants shall be installed to meet the specifications of the Department of Public Works and the Fire Marshal.



**§17.36.190. Sewage Disposal**

The sanitary sewer collection system shall be constructed to the current State of Utah and Department of Public Works Standards and Specifications. All 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.

**§17.36.200. Electric Power and Street Lights**

- A. The project proponent shall be required to provide for power and telecommunication distribution and service lines. Additionally, the proponent shall be responsible for the installation of street and yard lighting under specifications 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.

**§17.36.210. 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. Any additional available water rights may be offered to the City for purchase at fair market value.

**§17.36.220. Warranty**

Public improvements performed by or on behalf of private development shall be guaranteed for a period of two 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.

**§17.36.230. 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 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 than five years 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.

**§17.36.240. 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 an action.

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

1. The City may require a project 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 for other public purposes without compensation in conformance with the requirements of Utah law and this Title.

**§17.36.250. Common Area Development Requirements**

- A. All developments with common areas or common 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 the assessing of 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 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 17.37: Supplemental Development Standards

### §17.37.010 Purpose

The purpose of this Chapter is to establish 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 within the provisions of each respective zone and/or other chapters of this Title.

### §17.37.020 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 any 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. Tree shall be irrigated during construction and shall be protected from construction damage.
  3. Heavy equipment, travel, parking, and storage of construction waste, materials, or topsoil or grading within the drip-line of trees to be protected is prohibited.
  4. Existing trees, distinctive land forms, 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.



Required: 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.



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

### §17.37.030 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.

**§17.37.040 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 from a public way of the following:
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% in order 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.



Required: Development shall consider ways to protect significant view corridors for all new development.



Example: Building shall be located to take advantage of scenic views and landmarks.

**§17.37.050 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, then 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.

## 17.37: Supplemental Development Standards

- 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 provisions:
  - 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 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 in order to achieve a more naturalistic finished grade.
  - c. Long straight wall sections shall be avoided; rather, 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.

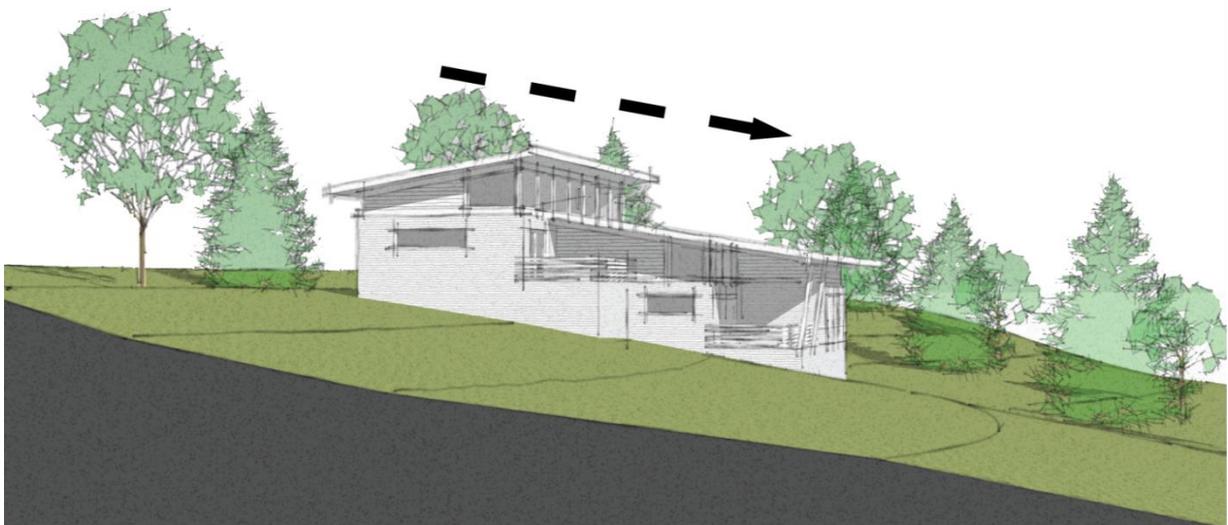


Required: Where parking and other site functions are located on steep terrain, terracing of the site is required.



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

**Figure 17.37.050.A: Building with Topography**



17.37: Supplemental Development Standards

**§17.37.060 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.



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

**§17.37.070. 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, a covered shelter with seating or appropriate lighting to make sure the shelter is visible is necessary.



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

**§17.37.080 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 in order 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



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

## 17.37: Supplemental Development Standards

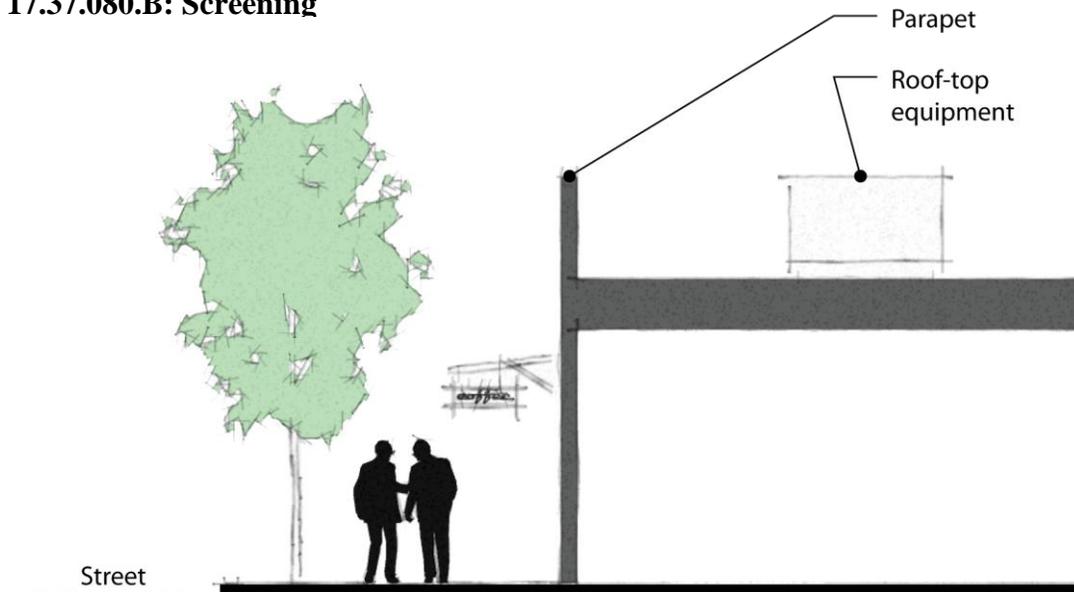
away from major streets. Screening shall comply with 17.39.050.

2. Trash enclosures shall meet the following design standards:
  - a. Solid waste receptacles, recycling bins, refuse storage, and similar uses shall have minimum dimensions of 10 feet in depth with 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 at least 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 similar form of screening.



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

**Figure 17.37.080.B: Screening**



**§17.37.090 Exterior Lighting****A. Purpose.**

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 also designed to enhance night vision while mitigating glare and light pollution. All exterior lighting shall be designed and located in order 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.**

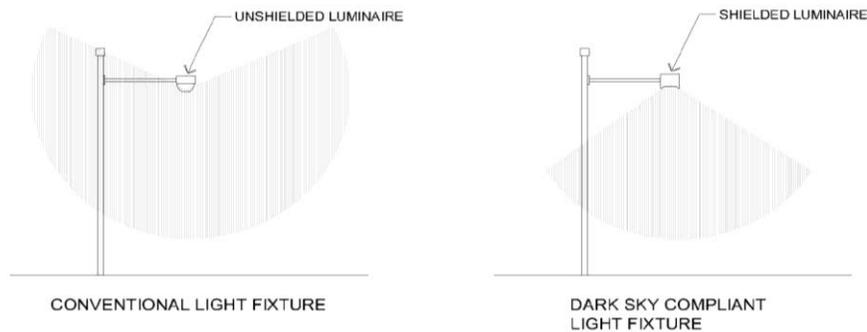
- a. Lighting height and location shall be designed to illuminate the site only. Light cut-offs are required to prevent spillover of direct light.
- b. Luminaire fixtures and supporting structures shall be placed on the same property as intended to light.
- c. Parking area and exterior freestanding luminaires 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.

## 17.37: Supplemental Development Standards

- 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:
      - 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 17.37.090.C: Exterior Lighting Cross Section**



**§17.37.100 Fences & Walls**

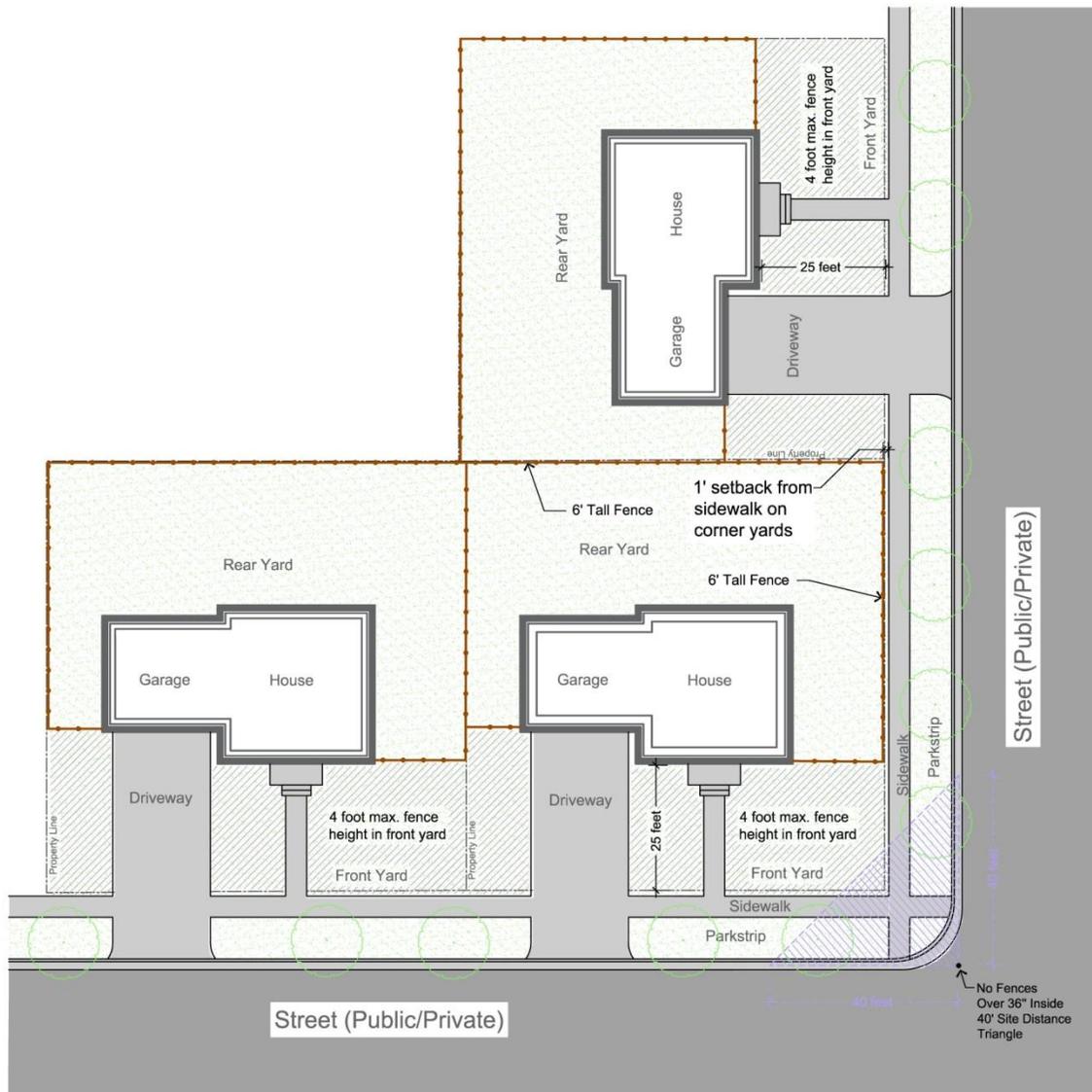
This Section is provided to create minimum and maximum fencing standards for residential, commercial and industrial areas within Logan City. These standards are applicable to all public and private development, unless otherwise specifically stated.

**§17.37.110 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 17.37.110.A.1).

**Figure 17.37.110.A.1: Residential Fence Placement**



## 17.37: Supplemental Development Standards

**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.

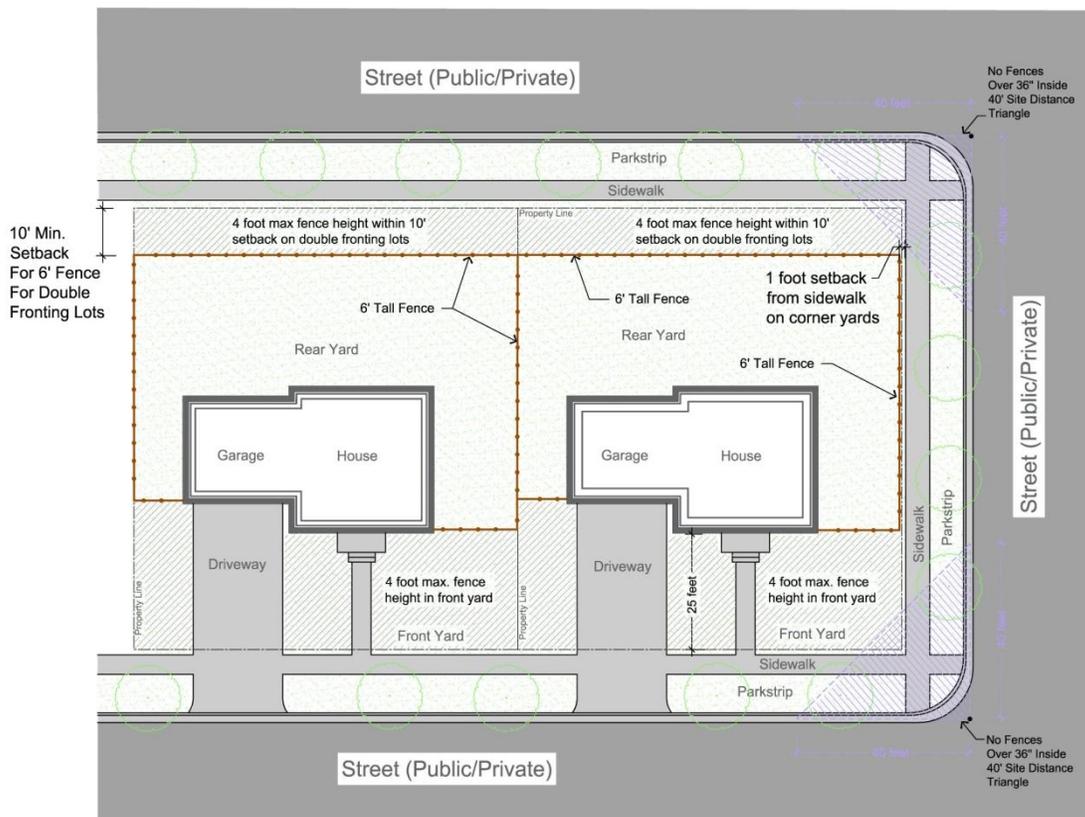
**C. Corner Lots.**

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 (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 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 17.37.110.D.1).
2. The yard area located between the fence and public sidewalk shall be landscaped and maintained by the property owner or home owners association.

**Figure 17.37.110.D.1: Multi-Frontage Lot - Residential Fence**

**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.**

## 17.37: Supplemental Development Standards

The height of fence 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 within 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.

**§17.37.120 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 height of fence 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;

## 17.37: Supplemental Development Standards

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.

**§17.37.130 Fences Permit Required**

All fences and walls shall have a permit issued by the Department of Community Development prior to installation subject to the following: . Failure to obtain a fence permit may result in enforcement actions pursuant to §17.60.

**A. Fences.**

1. All fences and walls shall have a permit issued.
2. Permit applications shall require dimensioned drawings showing the layout and location of all proposed fences and walls.
3. Permit 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.**

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

**C. Failure to Obtain Permit.** Failure to obtain a fence permit may result in enforcement action pursuant to Chapter 17.60**§17.37.140 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.

**§17.37.150 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.

**§17.37.160 Pedestrian and Bicycle Circulation****A. Purpose.**

The purpose of this Section is to establish standards and regulations for safe and efficient pedestrian and bicycle circulation within and between all new development.

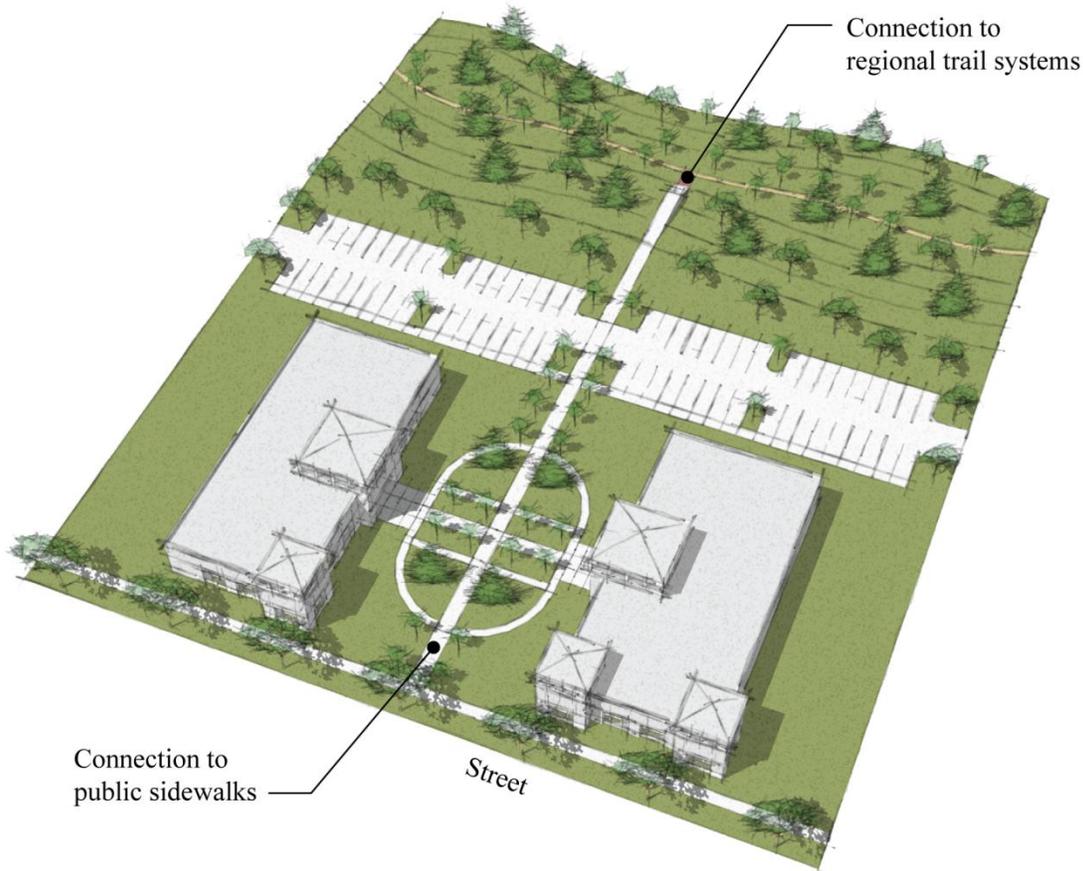
**B. Standards.****1. Site Layout and Design.**

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 also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose.

**Figure 17.37.160.B.1: Pedestrian Access**



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 a route that 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 reasonably 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

## 17.37: Supplemental Development Standards

where no public entrance exists, street connections shall be provided to the main employee entrance.

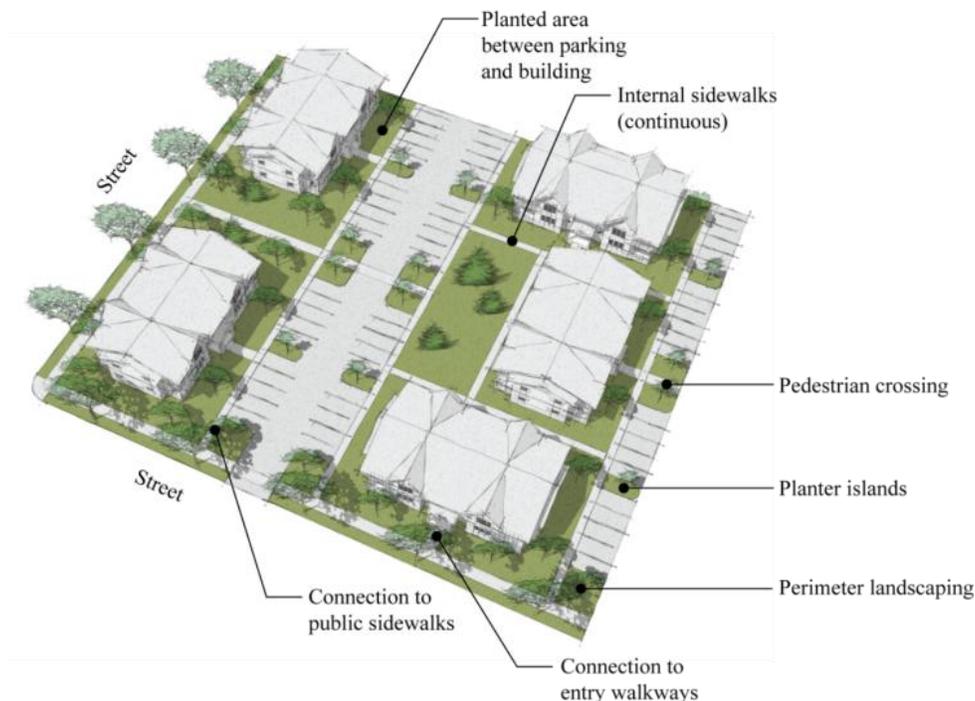
- d. The “Primary entrance” for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

4. Connections within Development.

Connections within developments shall be required as follows:

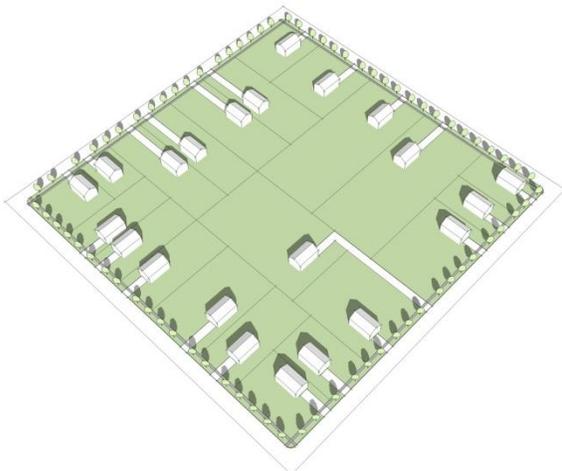
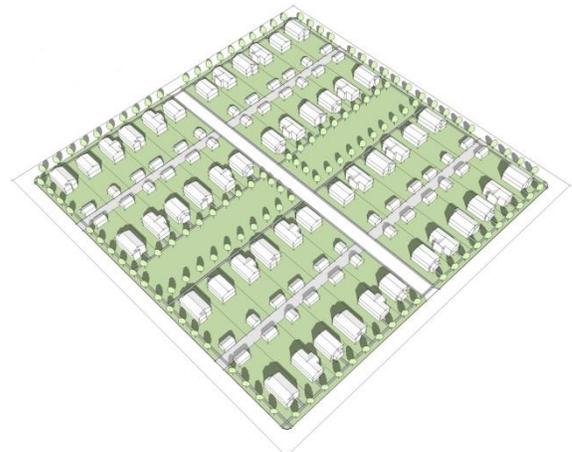
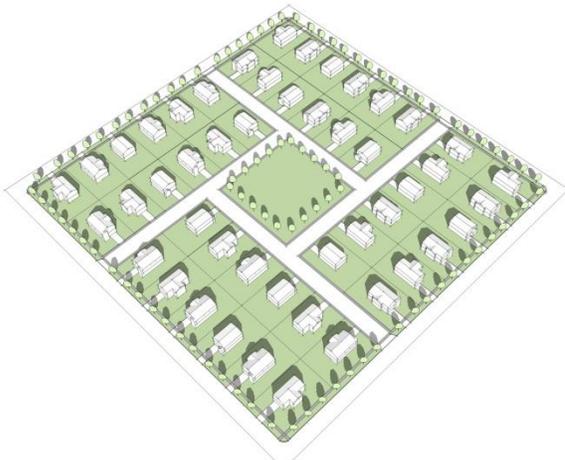
- a. Walkways shall connect all building entrances to one another and to adjacent streets to the extent practicable, as generally shown in Figures 17.37.160.B.1 and 17.37.160.B.2.
- b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall 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 17.37.160.B.2 Pedestrian Pathway System for Multifamily Development (Typical)**



**§17.37.170 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 17.37.170.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.

**Figure 17.37.170.A.1: Examples of Mini-block Configurations****Sample Existing Block****Courtyard and Alley Block****Pinwheel Block****Mixed Use Block**

## 17.37: Supplemental Development Standards

- 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 location of the specific project, and regardless of the number of dwelling units or lots proposed within a specific phase, stubbing out 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 Section 17.37.160 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 17.37.170.E.1 and 17.37.170.E.2, unless modified through the review process or due to other provisions of this Title.

**Table 17.37.170.E.1: Street and Pedestrian Connection Spacing**

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

**Table 17.37.170.E.2: Minimum Number of Street Connections by Size of Residential Development**

Number of Dwelling Units Served	Number of Connections
Greater than 20	3
9-20	2
1-8	1

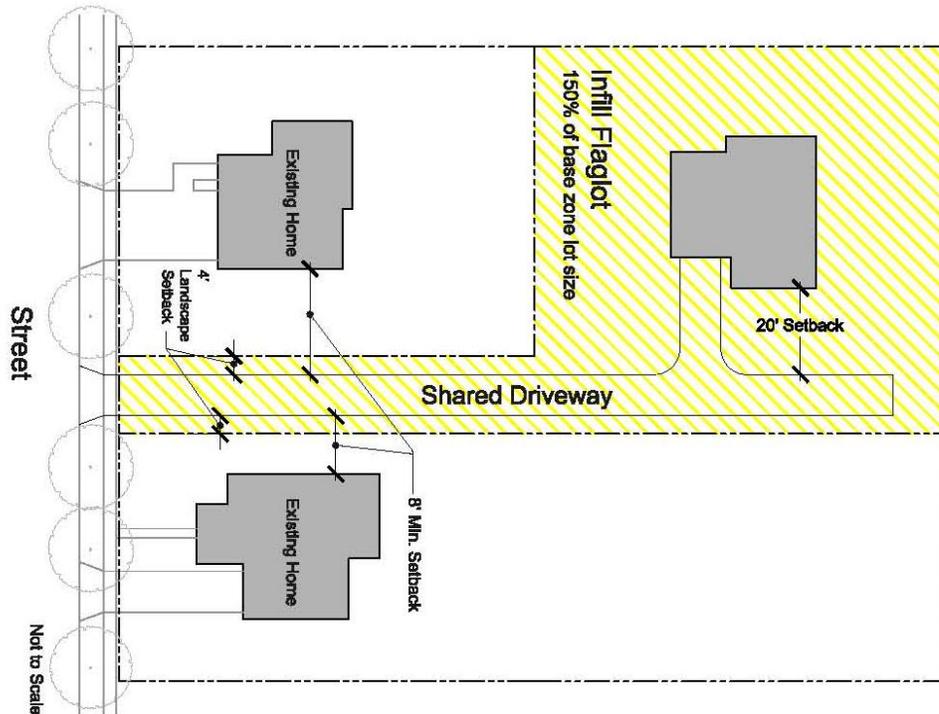
**§17.37.180 Residential Infill and Flag Lot Development Standards****A. Applicability.**

The standards in this Section apply to development proposals within the interior of

## 17.37: Supplemental Development Standards

existing Logan Blocks where development exists around at least 50% of the perimeter of a block.

- B. Infill or flag lot subdivisions of one (1) additional lot shall meet the following standards (also see Figure 17.37.180.B.1):
1. **Minimum Lot Size.** The minimum size of a proposed lot shall be 150% of the minimum lot size established by the underlying zoning district. The base lot shall meet the minimum lot size of the underlying zoning district.
  2. **Road Standards.** Access may be provided by a shared driveway with a minimum pavement width of 20'. Sidewalks, curb, gutter and parkstrip are generally not required. The shared driveway shall maintain a four (4) foot setback from all adjoining property lines and an eight (8) foot setback from any existing residential structure. The four (4) foot setback area shall be landscaped and maintained.
  3. **Building Setbacks.** All new construction shall maintain a 20' front setback from the paved edge of the shared driveway to ensure adequate parking is available for each of the proposed lots. All side and rear setbacks shall be consistent with the underlying zoning district.
- C. Infill or flag lot subdivisions of two (2) to eight (8) lots shall meet the following standards:
1. **Minimum Lot Size.** The minimum size of a proposed lot shall be 125% of the minimum lot size established by the underlying zoning district. The base lot shall meet the minimum lot size of the underlying zoning district.
  2. **Road Standards.** Road access and improvements shall be provided within a separate right of way and may terminate with a cul-d-sac or loop road. The access road shall contain two travel lanes and one lane of parking within a minimum paved surface of 28'. Curb, gutter, sidewalk and parkstrip are required along the entire stretch of roadway. Minimum turn-around areas for emergency vehicles shall also be placed within the right of way. All improvements shall be constructed according to minimum City standards. All road improvements shall be located such that all existing residential structures meet a minimum setback of 15' as measured from back of curb to building foundation.
  3. **Building Setbacks.** All new construction shall meet minimum setbacks of the underlying zoning district.
- D. Infill or flag lot subdivisions of 9 or more lots shall meet the following standards:
1. **Minimum Lot Size.** The minimum size and dimensions of the proposed lots and the base lot shall be consistent with the minimum dimensional standards of the underlying zoning district.
  2. **Road Standards.** Road access and improvements shall be provided within a separate right of way and shall provide at least two street connections. The access road shall contain two travel lanes and one lane of parking within a minimum paved surface of 28'. Curb, gutter, sidewalk and parkstrip are required along the entire stretch of roadway. All improvements shall be constructed according to minimum City standards. All road improvements shall be located such that all existing residential structures meet a minimum setback of 15' as measured from back of curb to building foundation.
  3. **Building Setbacks.** All new construction shall meet minimum setbacks of the underlying zoning district.

**Figure 17.37.180.B.1: Infill and Flaglot Development Standards**

### §17.37.190 Future Street and Block Master Plans

#### A. Purpose.

The purpose of this section is to guide site development so that infill can occur over time that creates Blocks from Superblocks, and Mini-blocks from Blocks. Planning for street connectivity and new blocks helps provide transportation options, walkable streets, and efficient use of land.

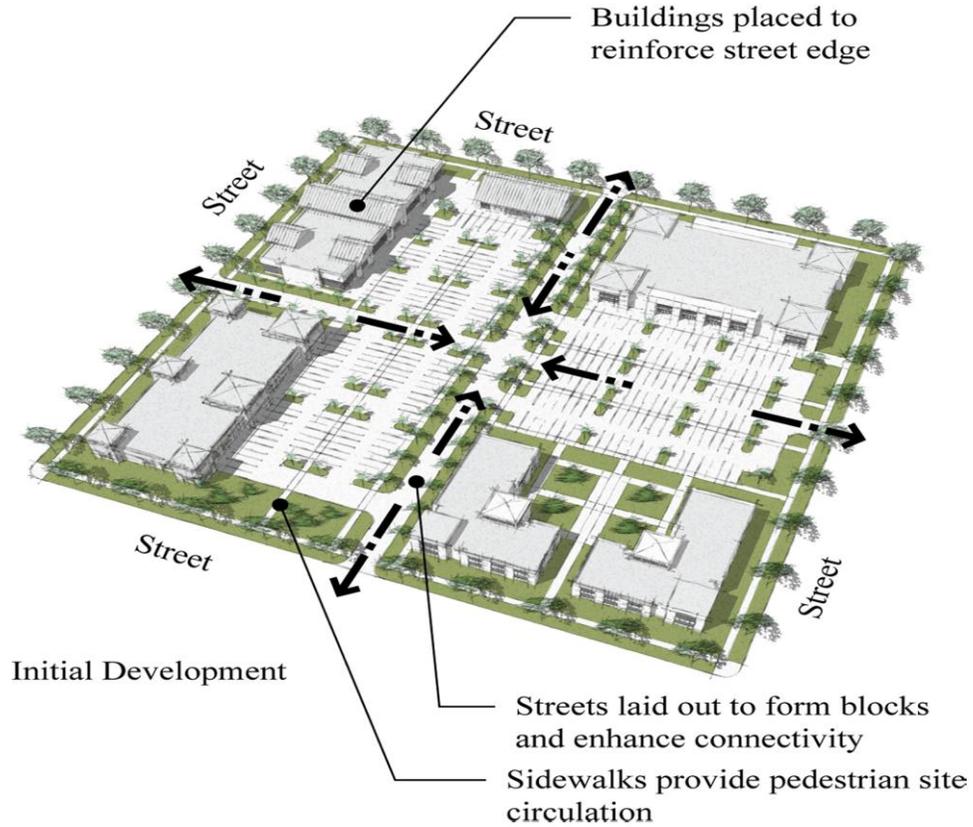
#### B. Applicability.

These standards apply to all new multi-family, commercial, mixed use, and public development sites greater than 5 acres.

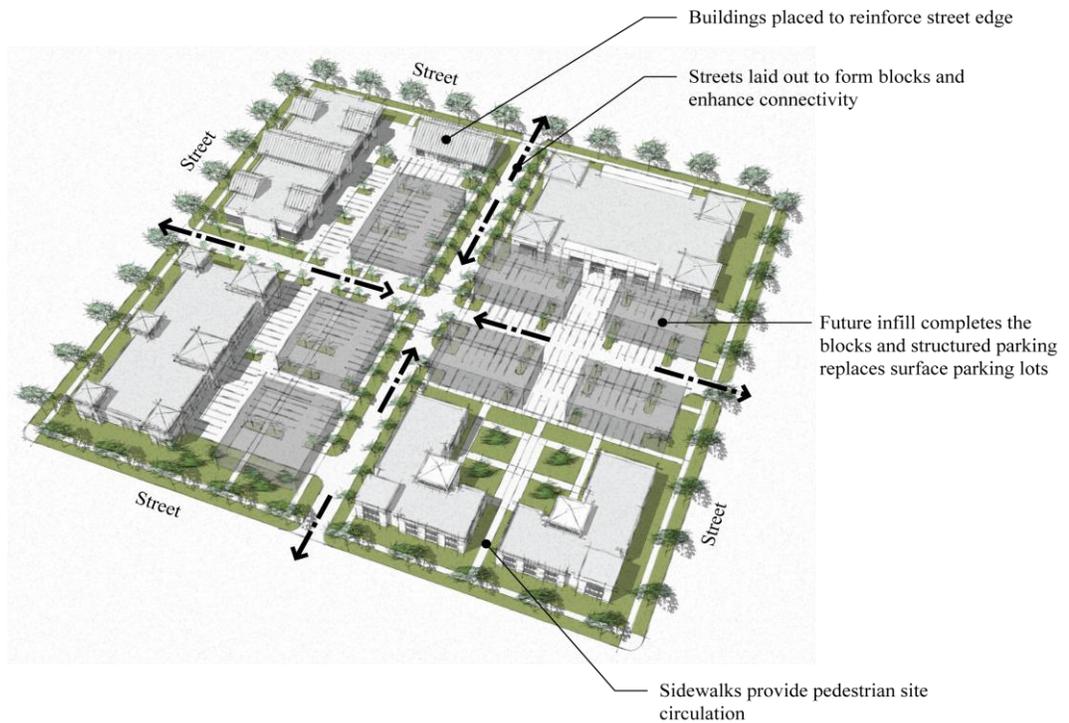
#### C. Future Street and Block Plan.

1. All developments over five acres must include within their development proposal a plan illustrating how the subject property could be divided into Blocks or Miniblocks (depending on the zone or overlay zone).
2. Initial development shall be sited so that future block creation is possible. See Figure 17.37.190.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 17.37.190.C.2.

**Figure 17.37.190.C.1: Initial Site Design Creates Blocks**



**Figure 17.37.190.C.2: Complete Blocks Support Future Infill**



## Chapter 17.38: Parking

### §17.38.010. Purpose

The purpose of this Chapter is to 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.

### §17.38.020. General

#### A. Applicability.

1. New Development. The off-street parking standards of this Chapter apply to any new development and to any new use established.
2. Expansions and Alterations. The off-street parking standards of this Chapter apply when an existing structure or use is expanded or enlarged. 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 that would result 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.

### §17.38.030. Off-Street Parking Schedules

#### A. Off-Street Parking Requirements.

The “Off-Street Parking Schedule” Table 17.38.040 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 17.38.060.

**§17.38.040. Rules for Computing Requirements**

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

- A. Multiple Uses.  
Lots containing more than one use shall provide parking in an amount equal to the total of the requirements for all uses. The decision-makers may authorize a 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, all square footage-based parking and loading standards are to be computed on the basis of gross floor area or gross leasable area.
- D. Occupancy-Based Standards.  
For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations 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 a development 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 17.38.040, shall submit an Alternative Parking Plan as specific in Section 17.38.050.
- 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 17.38.040: Parking by Land Use Category**

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
<b>Residential Uses</b>			
Group Living	Assisted Living Center	Alternative	N/A
	Nursing Home, Convalescent Home	1 per 4 beds, plus 1 per employee at largest shift	N/A
	Caregiver, Certified NA or CA	Alternative	N/A
	Care, training, or treatment IS provided on site (e.g., substance abuse facility).	1 per 2 employees	N/A

## 17.38: Parking

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
Group Living (cont'd)	Care, training, or treatment IS NOT provided on site (e.g., half-way house).	1 per bedroom	1 per 2 occupants
	Dormitories, Fraternities, Sororities	1.5 per bedroom	0.5 per bedroom
Household Living	Multi-dwelling structures	2 per dwelling unit	0.5 per bedroom
	Multi-dwelling structures (Campus Residential Zone)	0.5 – 6 per dwelling unit	0.5 per bedroom
	Single family dwelling	2 per dwelling unit	N/A
<b>Institutional Uses</b>			
College	Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree	Alternative	1 per 5 spaces
	Trade, vocational, or commercial schools	Alternative	1 per 10 spaces
	Community Services	Alternative	1 per 20 spaces
	Family Group Daycare/Preschool (Excluding daycare in a residence) & (1-8 Clients)	1 per 500 s.f.	N/A
	Family Group Daycare / Preschool (9-16 Clients)	1 per 500 s.f.	N/A
	Commercial Daycare	1 per 500 s.f.	N/A
	Hospital	1 per two beds plus 1 per employee at largest shift	1 per 20 spaces
	Parks & Open Areas	Alternative	---
	Religious Institutions	1 per 4 persons of max. capacity <sup>1</sup>	1 per 30 spaces
	Safety Service	Alternative	N/A
Schools	Public schools at the elementary, middle, junior high, or high school level that provide state-mandated basic education	Alternative	1 per 10 students
	Private schools at the elementary, middle, junior high, or high school level that provide state-mandated basic education	Alternative	1 per 10 students
Telecommunication Facilities	N/A	N/A	N/A
Utilities, Basic	Excluding park'n'ride facilities <sup>2</sup>	None	None
Utilities, Facilities	None	N/A	N/A
Utilities, Distribution	N/A	N/A	N/A

<sup>1</sup> 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.

<sup>2</sup> Park'n'ride facilities shall be developed in conformance with parking design and landscaping requirements.

## 17.38: Parking

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
Commercial Uses			
Office	Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services	1 per 300 s. f.	1 per 10 spaces
	Bank, savings and loans, or credit union (0-4 drive up lanes) <sup>3</sup>	1 per 250 s. f., plus stacking per Table 17.38.079	1 per 10 spaces
	Clinic, medical, dental, or optical	1 per 200 s. f.	1 per 10 spaces
	Laboratory, scientific or research		1 per 10 spaces
	Wholesale office	1 per 300 s. f.	1 per 10 spaces
Accommodations Lodging, Bed and Breakfast	Bed and breakfast: ten or fewer rooms and meal service limited to guests. Sleeping accommodations for transient occupancy	1 per room plus 2 additional spaces	N/A
	Hotel, Motel	1 per guest room, plus associated uses	N/A
Parking, Commercial	Facilities providing parking that is not accessory to a specific use; public or private	N/A	N/A
	Recreational vehicle and vehicle storage parking	Alternative	N/A
	Truck storage, outdoor	Alternative	N/A
Recreation & Entertainment, Outdoor Facility	Generally commercial uses that provide recreation or entertainment-oriented activities, primarily takes place outdoors	Alternative	N/A
	Golf Course (not incl. clubhouse)	4 per green	N/A
	RV Parks short term occupancy (less than 30 calendar days)	2 plus 1 per RV pad	N/A
	RV Parks long term occupancy (more than 30 calendar days)	2 plus 1 per RV pad	N/A
	Non-vehicle camping (tents) in RV Park	2 plus 1 per tent pad	N/A
	Tent campground	2 plus 1 per tent pad	N/A
	Miniature golf course and accessory recreation	2 per hole plus associated uses	N/A

<sup>3</sup> 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	Category	Specific Uses
		Minimum		Bike
Sales & Service	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	1 per 250 s.f.		1 per 10 spaces
	Sales and service, large, footprint greater than 100,000 sq. ft.	1 per 250 s.f.		1 per 10 spaces
	Adult oriented business	1 per 250 s.f.		1 per 10 spaces
	Amusement, commercial indoor	1 per 500 s.f.		1 per 10 spaces
	Animal clinic or pet hospital, no outdoor pens	1 per 250 s.f.		1 per 10 spaces
	Animal clinic or pet hospital, with outdoor pens	1 per 250 s.f.		1 per 10 spaces
	Antique or collectible shop	1 per 250 s.f.		1 per 10 spaces
	Art supply store	1 per 250 s.f.		1 per 10 spaces
	Barber or beauty shop	1 per 250 s.f.		1 per 10 spaces
	Bakery or confectionery shop, retail sales	1 per 250 s.f.		1 per 10 spaces
	Camera shop	1 per 250 s.f.		1 per 10 spaces
	Camping supply store in RV Park	1 per 250 s.f.		N/A
	Car Wash	Stacking per Table 17.38.070		N/A
	Clothing	1 per 250 s.f.		1 per 10 spaces
	Club, private	1 per 100 s.f. of usable area <sup>4</sup>		1 per 10 spaces
	Convenience Market (no gasoline)	1 per 200 s.f.		1 per 10 spaces
	Dairy products or ice cream	1 per 250 s.f.		1 per 10 spaces
	Dancehall or nightclub	1 per 100 s.f.		1 per 10 spaces
	Department or discount store	1 per 250 s.f.		1 per 10 spaces
	Drug store or pharmacy	1 per 250 s.f.		1 per 10 spaces
	Dry cleaner	1 per 250 s.f.		1 per 10 spaces
	Florist shop	1 per 250 s.f.		1 per 10 spaces
	Furniture or appliance store	1 per 250 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	
Grocery store	10 per 1,000 s.f.		1 per 10 spaces	

<sup>4</sup> Usable area does not include kitchen, bathroom, reception or storage area.

## 17.38: Parking

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
	Handicraft and art object sale	1 per 250 s.f.	1 per 10 spaces
	Hardware store	1 per 250 s.f.	1 per 10 spaces
	Hobby Shop	1 per 250 s.f.	1 per 10 spaces
	Kennel	1 per 400 s.f.	1 per 20 spaces
	Laundromat	1 per 3 machines	1 per 10 spaces
	Copy Center	1 per 250 s.f.	1 per 10 spaces
	Locksmith or key shop	1 per 250 s.f.	1 per 10 spaces
	Maintenance or repair service for buildings	Alternative	1 per 20 spaces
	Medical appliance fitting or sales	1 per 250 s.f.	1 per 20 spaces
	Mortuary	1 per 400 s.f.	N/A
	Music store	1 per 250 s.f.	1 per 10 spaces
	Package liquor store	State law preempts local zoning	
	Paint sales	1 per 250 s.f.	1 per 10 spaces
	Pawn shop	1 per 250 s.f.	1 per 10 spaces
	Personal custom services such as milliner, tailor, etc.	1 per 250 s.f.	1 per 10 spaces
	Pet shop small animals, birds & fish	1 per 250 s.f.	1 per 10 spaces
	Plumbing shop	1 per 250 s.f.	1 per 10 spaces
	Provisioning and recreational sporting goods sales	1 per 250 s.f.	1 per 10 spaces
	Radio or television transmitting stations, commercial	Alternative	N/A
	Railroad or bus passenger station	Alternative	1 per 10 spaces
	Repair of appliances, TV, radios	1 per 250 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 17.38.070	1 per 10 spaces
	Shoe, boot, or other leather goods sale and repair	1 per 250 s.f.	1 per 10 spaces
	Storage warehouse	1 per 2,500 s.f.	
	Studio, health, exercise, massage, reducing or similar service	1 per 200 s.f.	1 per 10 spaces
	Studio, photographer, artist, music, dance, and drama	1 per 250 s.f.	1 per 10 spaces

## 17.38: Parking

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
	Tavern	1 per 200 s.f.	1 per 10 spaces
	Tennis or swim club, private Indoor	1 per 300 s.f.	1 per 10 spaces
	Trailer and mobile home sales	Alternative	N/A
	Vehicle parts sales, new or reconditioned, indoor	1 per 1,000 s.f.	N/A
	Vehicle parts sales, used or reconditioned, outdoor	1 per 3,000 s.f.	N/A
	Vehicle and Equipment sales	1 per 400 s.f. of floor area	N/A
	Welding or machine shop	1 per 250 s.f.	N/A
Self-Service Storage	Uses providing storage areas for individual or business uses	None <sup>5</sup>	N/A
	Commercial storage unit	1 per 6 units or 1 per 12 units with 20' wide aisle	N/A
Storage, Outdoor		Alternative	N/A
Vehicle Repair		3 per service bay	N/A
Vehicle Service	Services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed	2 per service bay	N/A
	Gasoline service station	1 per each employee of largest shift plus 1.5 per service station bay, plus any retail component	N/A
	Gasoline, petroleum products storage (home heating exempt) (See Uniform Fire Code Section 7902)	Alternative	N/A
	Electric fueling facilities for vehicles (no petroleum) in conjunction with a primary use	Alternative	N/A
	Truck Stop	Alternative	N/A
<b>Industrial Uses</b>			
Industrial Services	Firms engaged in the repair or servicing of business or consumer machinery, equipment, products or by-products	1 per 1,000 s.f.	N/A
	Industrial machinery storage, sales, repair	1 per 2,500 s.f.	N/A
	Contractor supply store	1 per 400 s.f.	N/A

<sup>5</sup> If office areas are provided, parking must be established for the office use; no use conversion to other than storage shall be permitted without appropriate parking being provided in numbers of spaces, design of the parking facility and landscaping.

## 17.38: Parking

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
	Contractor supply store with outdoor storage	1 per 400 s.f.	N/A
Manufacturing, Assembly or Production	Firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods	1 per each employee of largest shift	N/A
	Light manufacturing processes which do not emit detectable dust, odor, fumes, or gas beyond the boundary of the property of noises above the ambient level	1 per each employee of largest shift	N/A
Warehouse and Freight Movement	Firms involved in the storage, or movement of goods for themselves or other firms	1 per 2,000 s.f. gross floor area	N/A
	Contractors storage yard of heavy equipment	None	N/A
	Lumberyard	1 per 1,000 s.f. plus retail sales area	N/A
	Storage of sand, gravel, earth or stone	2 per every 3 employees	N/A
Waste-Related Use	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	Alternative	N/A
	Enclosed Wrecking or Salvage Facilities	1 per 500 s.f.	N/A
	Open Wrecking or Salvage Facilities	1 per 2,500 s.f.	N/A
Wholesale Sales	Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses	Alternative	1 per 10 spaces
<b>Other Uses</b>			
Agriculture	Activities that primarily involve raising, producing or keeping crops or animals	None	N/A
Aviation, Surface Passenger Terminals	Facilities for the landing and takeoff of flying equipment, arrival and departure of vehicles, including loading and unloading areas for passengers, cargo, or freight	Alternative	N/A
Detention Facilities	Facilities for the judicially required detention or incarceration of people	Alternative	N/A
Home Occupations		None	N/A

Category	Specific Uses	Number of Spaces Required	
		Minimum	Bike
Mining	Mining or extraction of mineral or aggregate resources from the ground for off-site use	Alternative	N/A
Telecommunications Facilities	Offices and studios	1 per 300 s.f.	1 per 10 spaces
	Transmission facilities	1 space or as specified in permit	N/A
Rail Lines and Utility Corridors		Alternative	N/A

### §17.38.050. Alternative Parking Plan

An Alternative Parking Plan is a proposal to meet 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. Alternative Parking Plans shall be submitted in a form established by the Director. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal. Plans shall be prepared by a professional appropriately 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.
  - b. Alternative Parking Plans proposing a reduction or increase of more than fifteen percent (15%) requires Design Review Permit 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 administrative decision may be made to the Land Use Appeal Board in accordance with the procedures of Chapter 17.57.

**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 car pool 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 car pool, 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 all of the following standards:

1. **Ineligible Activities.** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.
2. **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.
3. **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 revoked only if required off-street parking spaces are provided in conformance with the provisions of this chapter.

**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.

**§17.38.060. 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.

**§17.38.070. Vehicle Stacking Capacity in Drive-Through Lanes**

Based on specific site requirements and business operations, Table 17.38.070 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
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.

**Table 17.38.070: 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	Order Box <sup>6</sup>
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

**§17.38.080. 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, provided that it is no closer than two (2) feet to the adjoining property line. No carport, canopy, or cover shall be permitted.

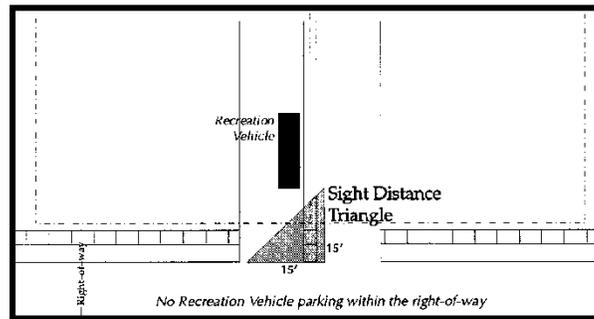
**C. Heavy Vehicle Storage in Neighborhood Residential Districts.**

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 truck trailer may be parked within a residential garage in a Neighborhood Residential District. In no case shall a commercial truck or truck 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 Vehicles within a Private Driveway.**

No recreational vehicle shall be parked within the public right-of-way, or if there is an adjoining driveway, no recreational vehicle shall be parked in a sight distance triangle of fifteen (15) feet from the front property line.

<sup>6</sup> Stacking for at least 4 vehicles shall be provided between the order box and pick-up window.

**Figure 17.38.080.D: Recreation Vehicle Sight Distance Triangle Established****§17.38.090. 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. Within the Town Center district in Downtown Logan where there is no physical location for off-street parking, businesses may provide parking at off-site locations in conformance with this Chapter.
2. 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 fifty-two 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.



Prohibited: 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 17.38.090.D.
  2. Parking areas shall be designed to be interconnected with parking areas on adjacent properties as shown in Figure 17.38.090.A. 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.
  7. Walkways, including those provided with pedestrian access ways, shall conform to the following standards illustrated in Figure 17.38.090.C:

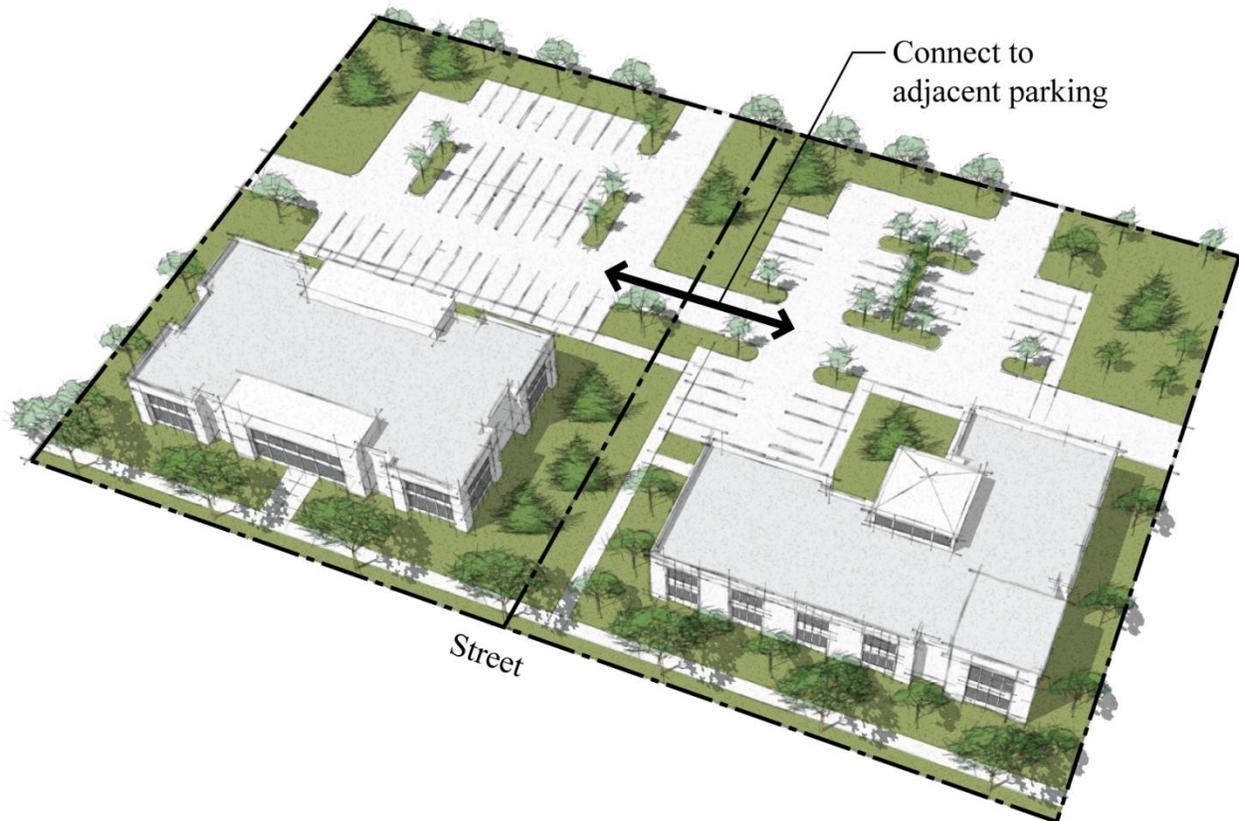
- a. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle 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



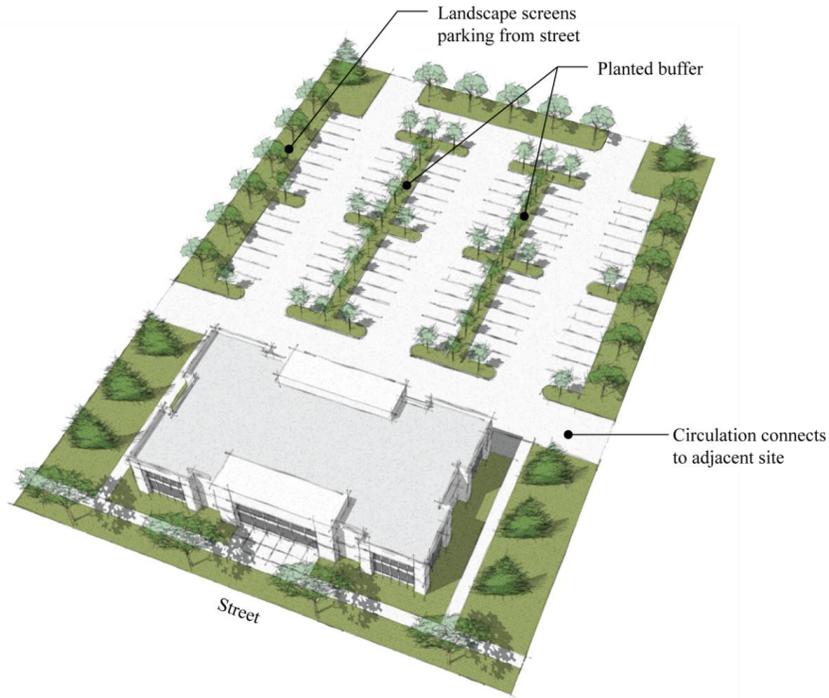
Example: Distinguishing pedestrian crossings with a change in color, texture, or materials make crossings safer and friendlier for pedestrians.

- 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.
  - 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 percent 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”.

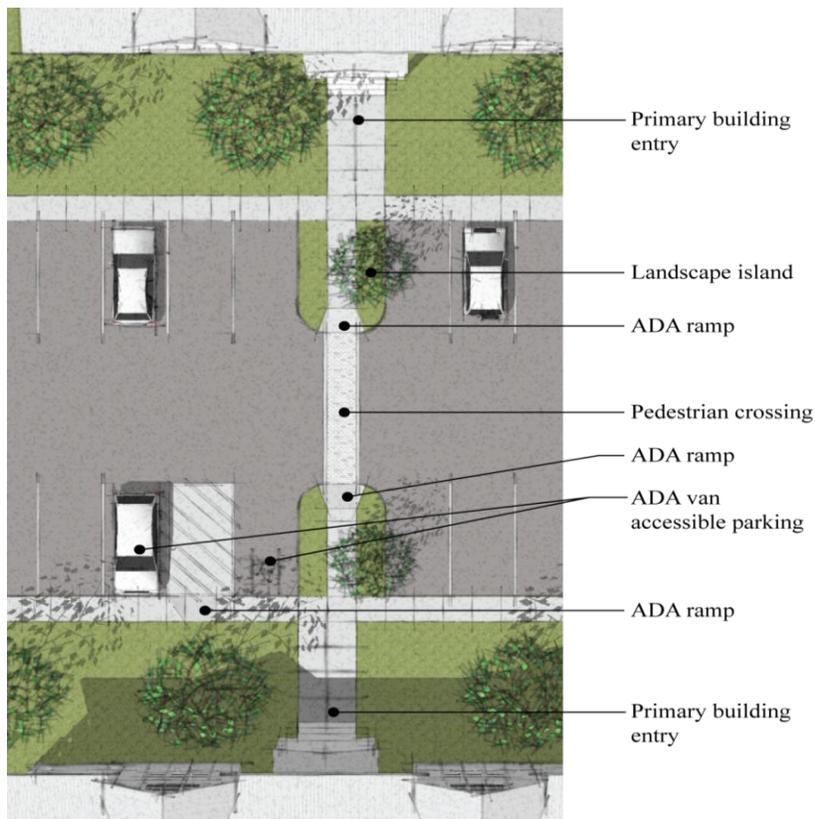
**Figure 17.38.090.A: On-Site Circulation**



**Figure 17.38.090.B: Large Parking Areas**



**Figure 17.38.090.C: Pedestrian Walkway Detail (Typical)**



- E. Reductions in Parking Requirement.
 

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

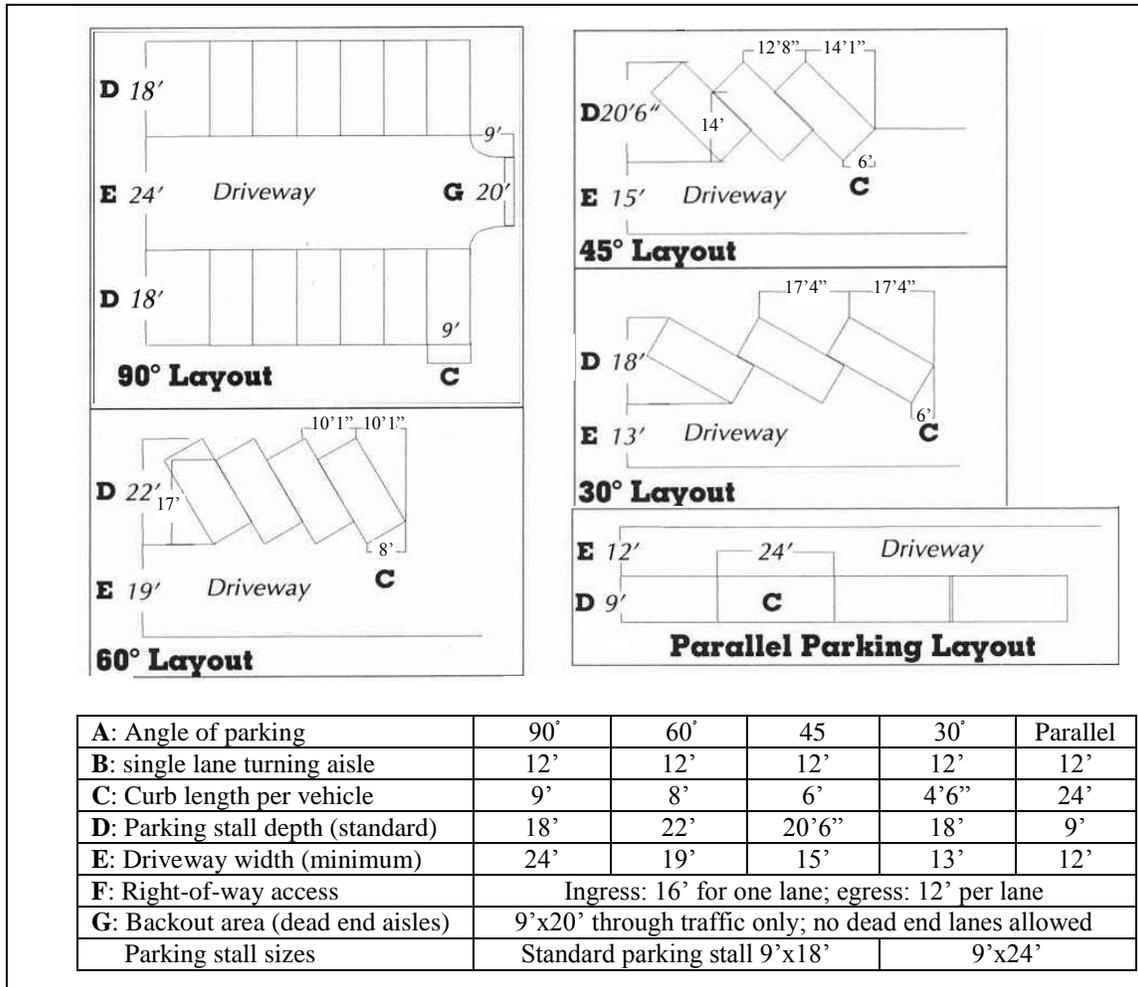
  1. The project may be eligible for a 15% reduction in required parking if the property is within 660 feet of an existing or planned CVTD transit stop; and
  2. The project may be eligible for a 25% reduction in required parking if the property is located within either the Town Center or Mixed Use zoning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



- F. Structured Parking Requirements. Parking structures in any of the Corridor's and District's 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.

**Figure 17.38.090.D: Parking Lot Specifications and Dimensions**



**§17.38.100. Bicycle Parking**

All new development or change of use shall install parking for bicycles as required in Table 17.38.040 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, yet should 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 17.36.190 of the Land Development Code.
- 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.

**§17.38.110. 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.

**§17.38.120. 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 seventy-five percent of the remaining legal parking spaces to be used for parking in conformance with the standards of this Chapter may be set aside for purposes of a temporary event, such as a “tent sale,” “sidewalk/parking lot sale,” or other permitted activity. These events may not exceed seven consecutive days in length 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 that there is 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 vehicle 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, but a copy of the agreements shall be in writing and 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) that will be located in the parking lot for more than seven consecutive days may be permitted by the Director provided that a copy of a written agreement for use of the parking area is submitted to the Director 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 shall be submitted to the Director.
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 or accommodating safe traffic flows.
4. A portion of a parking lot that allows at least ninety-five percent of the required parking spaces, for general usage, in conformance with current zoning standards may be used by long-term vendors.

**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.

**§17.38.130. Access and Driveways**

Access and driveways shall conform to the standards as outlined in Chapter 17.37 of the Land Development Code.

**§17.38.140. Landscaping**

- A. Landscaping for parking lots shall conform to the standards outlined in Chapter 17.39 of the Land Development Code.
- B. Parking areas shall include perimeter landscaping and landscaped islands every 20 stalls.
- C. Parking areas shall be divided into smaller lots. No individual parking area may accommodate more than 40 parking spaces.
- D. All parking areas shall be screened from



Use berming and landscaping to screen parking.

adjoining properties and the public right-of-way with a combination of fencing, berming and/or landscaping.

- E. All new parking areas shall be designed to incorporate Low Impact Development Standards whenever practical.

**§17.38.150. Setbacks for Parking**

Setbacks for parking shall conform to the standards as outlined in Chapters 17.15, 17.19 or 17.22 of the Land Development Code. Each specific Zoning Designation defines the minimum setback requirements for parking areas.

## Chapter 17.39: Landscaping

### §17.39.010. Purpose and Intent

This Chapter provides standards for landscaping within the City. It is intended to ensure that the policies of the General Plan related to increasing the attractiveness of the City and enhancing neighborhood character includes appropriate landscaping. The intent of this Chapter is to promote the importance landscaping plays in the overall site design and development process by providing a visual link between the natural and built environments. The City recognizes the aesthetic, ecological, and economic value of landscaping in:

- Improving the visual quality of the City;
- Reducing the rate and volume of storm water runoff;
- Promoting compatibility between land uses and creating buffer areas to help reduce the visual, noise, and lighting impacts from adjoining properties;
- Unifying development throughout the City;
- Promoting the retention of existing vegetation and the restoration of natural communities by re-establishing native plant communities;
- Reducing the visual and audio impacts of automobile-related infrastructure (parking lots, driveways and roads);
- Promoting healthy outdoor recreational activities;
- Reducing greenhouse gases and the negative environmental impacts created from automobiles and development;
- Complimenting the built environment to achieve the principals and goals set forth in the General Plan and Land Development Code;
- Promoting water efficient landscaping that reduces the demand of the City's water resources; and
- Reducing the heat island effect.

### §17.39.020. Applicability

The standards of the chapter apply to all public and private development, new construction, exterior remodeling, enlargement or change of use, unless otherwise specifically stated.

### §17.39.030. Exemption

The following are exempt from the standards of this chapter:

- A. Agriculture structures and agricultural uses;
- B. Minor improvements or repairs to existing development that do not result in an increase in floor area; or
- C. Detached single family dwellings on individual lots for a period of one (1) year for the front yard area and a period of two (2) years for the rear yard area beginning at the time the final certificate of occupancy is issued.

### §17.39.040. 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 as determined by the decision-makers (See Figure 17.39.040.A).

B. Landscaping for Lots Which are Partially Developed.

At the discretion of the decision making body, projects with substantial portions of the parcel area left for future development may be exempt from landscaping the undeveloped portion of the property. 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.

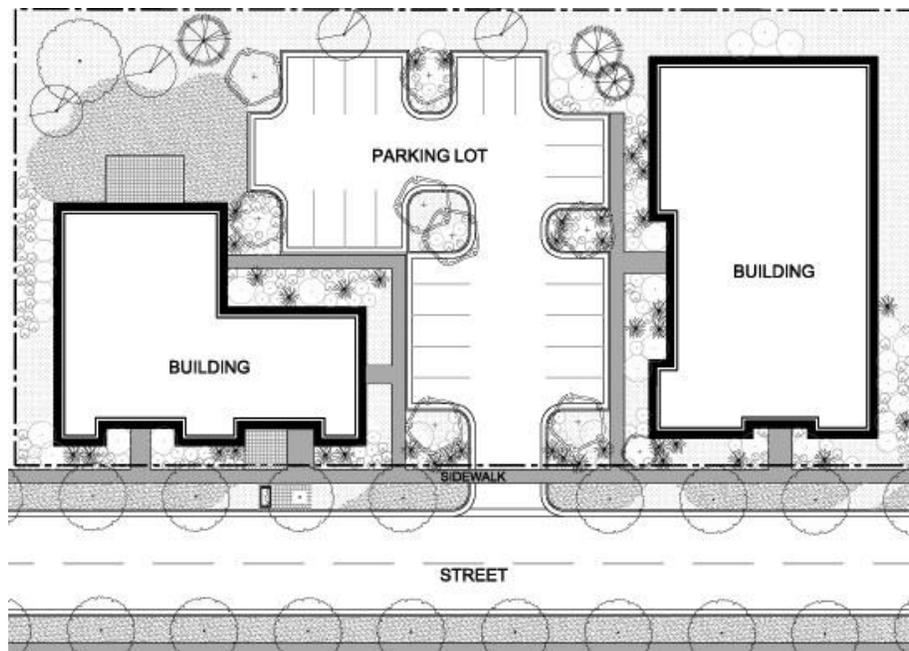
C. Landscaping When Expansion or Additional Development Occurs.

If a parcel with existing development is proposed for additional development, and the expansion results in more than a 10% increase in gross square footage, the decision making body has the discretion to review the landscaping installed on the entire property and may require conformance to the requirements of §17.39.050. If the expansion or redevelopment results in less than a 10% gross increase in square footage, the Director will determine if the property will be required to conform to the landscape requirements of §17.39.050.

D. Landscaping Required for Interior Remodeling That Results in a Change of Use.

Full compliance with this Chapter shall be required when a change of use occurs that results in any modifications to the site and exterior of the structures. Compliance is not required when the use within a structure is changed, there is no change in exterior appearance, and Planning Commission or Design Review Committee approvals are not required.

**Figure 17.39.040.A: Areas in Commercial and Industrial Development to be Landscaped**



**§17.39.050. Minimum Landscaping Requirements**

Landscaping requirements are intended to establish a minimum standard by which a property owner may use to design a set of landscape drawings that can be approved and constructed through the City's development process.

A. Commercial, industrial, mixed-use, and multi-family projects shall comply with the following:

1. At least fifty (50) percent of the required usable open space of the project shall be planted landscape area.
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 with the exception of entrances, utilities and where setbacks are less than three feet

B. Plant Selection.

Plants selected for landscape areas shall be well suited for Logan's climate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. On slopes greater than 30%, plant material shall be selected to reduce the risk of soil erosion. Native and drought tolerant plant material are encouraged and should be used whenever possible. Projects should have a diverse mix of plant and tree species for disease resistance and visual interest (See Table 17.39.050.D).

C. Mulch.

Mulch is encouraged in non-turf areas to retain water, discourage weed growth and moderate soil temperatures. Weed barrier fabrics shall be a porous material to allow water and air to infiltrate the soils below.

D. Use of Evergreen Trees and Shrubs.

A minimum of twenty-five (25%) percent of the plant material used for the project shall be evergreen trees and shrubs in order to provide year round visual interest and dense landscape screening.

**Table 17.39.050.D: Species Diversity Requirements**

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

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

1. Solid waste receptacles, recycling bins, refuse storage shall be screened from view on three sides by a fence or wall with a minimum height of six 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

## 17.39: Landscaping

beyond 20 feet from the structure, the enclosure should be designed to blend in with surrounding landscaping.

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 seventy-five percent (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 17.39.050.).
  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.

**§17.39.060. Landscaping Rights-Of-Way**

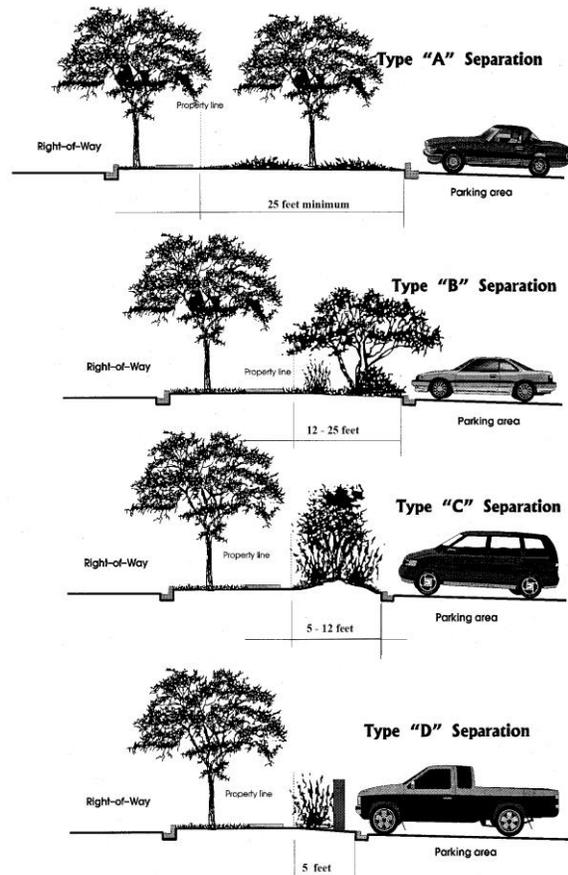
All public or private streets shall provide a planted landscaped strip (park strip) to City specifications, and be perpetually maintained by the adjacent property owner. Plantings within the right-of-way or park strip will not count towards meeting the minimum landscape requirements of §17.39.050.

- A. Street trees shall be planted within the parkstrip along both sides of all streets every thirty (30) feet on center. If no parkstrip exists, trees shall be planted adjacent to the roadway edge. Tree size and species shall be approved by the City Forrester.
- B. Residential park strips shall be planted with live plant material to a minimum of fifty percent (50%). When calculating park strip coverage percentage areas, plants may be measured at mature spread excluding street trees. Shrubs and other plant material located within the park strip should not exceed three (3) feet in height at maturity.



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 parking lot's front setback is twenty-five (25) feet or more, the border landscape shall conform to the Type "A" Separation in figure §17.39.070.B. Border trees shall be planted at an average of thirty (30) feet on center.
  2. For Type "B" and "C" separation, 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. For Type "C" separations, 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. For Type "D" separations, the wall shall be four (4) feet in height and used in combination with plant material placed at six (6) feet on center.
  5. For parking lots containing twenty-five (25) stalls or fewer, five (5) feet shall be the minimum perimeter border width for the rear and side borders of the parking lot.
  6. For parking lots containing more than twenty-five (25) stalls, eight (8) feet shall be the minimum perimeter border width for the rear and side borders of the parking lot.
  7. Side and rear parking lot perimeter borders shall be landscaped with plant material covering a minimum of fifty percent (50%) of the total border surface area measured at the plants maturity.
- C. Parking Lot Interior Landscaping.



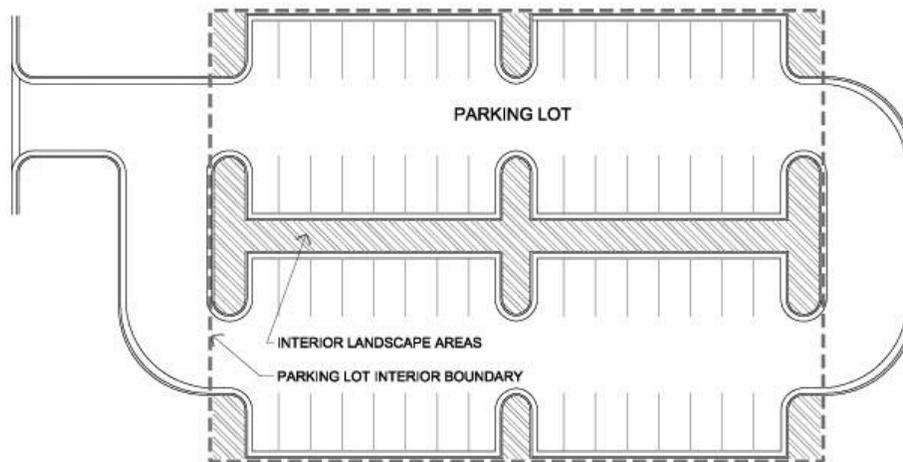
**Figure 17.39.070.B: Parking Lot Landscaping Border Options for Separation from Street**

## 17.39: Landscaping

The parking lot interior landscaping requirements apply to all off-street parking lots that contain five or more parking spaces. Only areas specified in figure §17.39.070.C 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 17.39 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 fifteen (15) stalls. Interior parking area landscapes shall have a minimum of fifty percent (50%) plant material coverage measured at plants maturity.

**Figure 17.39.070.C: Interior Parking Lot Measurement Area**



**§17.39.080. 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 prior to the issuance of the final Certificate of Occupancy. Plant material shall be in a healthy condition.

**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 per this chapter prior to the initiation of any use or any 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 for the purpose of this section.
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 generally 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.

**§17.39.090. 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 thirty percent (30%) of the ground. Rocks, hardscape and mulches alone without native and drought tolerant plantings are not considered xeriscaping.

**§17.39.100. Irrigation**

All new landscaping installations 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 have a matched 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.

**§17.39.110. Maintenance of Landscaping and Parkstrips**

- 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. All landscaping shall be maintained free from disease, pests, weeds and litter.

## 17.39: Landscaping

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 as required by this Chapter.
  3. Continuous maintenance of the site as a whole.
- 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).

**§17.39.120. 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 are elements of the plan. 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.

**§17.39.130. 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;
  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.

## Chapter 17.40: Signs

### §17.40.010. Purpose

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City; to fulfill a community-wide goal to protect the aesthetic quality of the community; to 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.

### §17.40.020. 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 17.40.140 Prohibited Signs; or
- F. Public or private memorials, displays of remembrance of persons or events.

### §17.40.030. 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 zones, MR zones, NC, CR & RC):

1. Sign types not listed in Table 17.40.030.A are prohibited;
2. Reader boards and Electronic Message Display signs are prohibited in residential zones; and
3. All 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 then apply for specific sign permits as the project space fills up.

- 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 (see Section 17.40.030.A);

1. Sign types not listed in tables 17.40.030.B.1 & 17.40.030.B.2 are not permitted;
2. Total facade signage is limited to 10 percent of the first story façade area. Any number of 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. All 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 then apply for specific sign permits as the tenant space fills up.

**Table 17.40.030.A: Signs in Residential Zoning Districts**

Use/Structure Type	Sign Type	Number	Area (s.f.)	Height (ft.)	Setback (ft.) <sup>2</sup>	Approval Type
Multi Family Complex	Building	1 per façade	36	na	na	Staff
	Monument	1 per street	36	6	0, not in SDT <sup>1</sup>	Staff
	Directional	One per vehicular access point	3	4	0, not in SDT <sup>1</sup>	Staff
Subdivisions, Planned Developments, Condominiums, Mobile Home Parks	Monument	1 per street	36	6	0, not in SDT <sup>1</sup>	Staff
	Directional	One per vehicular access point	3	4	0, not in SDT <sup>1</sup>	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	0, not in SDT <sup>1</sup>	Staff
	Directory	1 per street frontage	24	6	20, not in SDT <sup>1</sup> , within 15 ft. of primary building	Staff
	Directional	One per vehicular access point	3	4	0	Staff

**Table 17.40.030.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
Wall art (non-advertising copy)	All	10%	Staff/DR
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

<sup>1</sup> SDT = A sign taller than 36" is not permitted in the Sight Distance Triangle (40 feet from curb intersection on a street corner; 30 feet from curb cut if adjacent to a driveway).

**Table 17.40.030.B.2: Freestanding Signs in Non-Residential Zoning Districts**

Sign Type	Zones	Area (s.f.)	Maximum Height (ft.)	Number	Setback (ft.) <sup>2</sup>	Approval Type
Pole	COM only	48	14 (8.5 foot clearance)	1 per project (no monument signs allowed)	10	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	0, not in SDT <sup>1</sup>	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	0, not in SDT <sup>1</sup>	Staff
EMD	PUB, REC, TC (not in Historic District)	24 for PUB, REC, TC	6 for PUB, REC, TC	1 per project	0, not in SDT <sup>1</sup>	Staff
Menu Board	All	72	6 for TC zones, 8 for all other zones	2 per drive through lane	20	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	0, not in SDT <sup>1</sup> , must be within 15 ft. of primary building	Staff
Archway	COM, MU, UC & TC	48	25 (17 foot min. clearance)	One per street frontage, two (2) max. per project	10	DR

**§17.40.040. 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 17.40.040); or
3. For double sided, freestanding signs, only one sign face will count toward the sign's total square footage allowance.

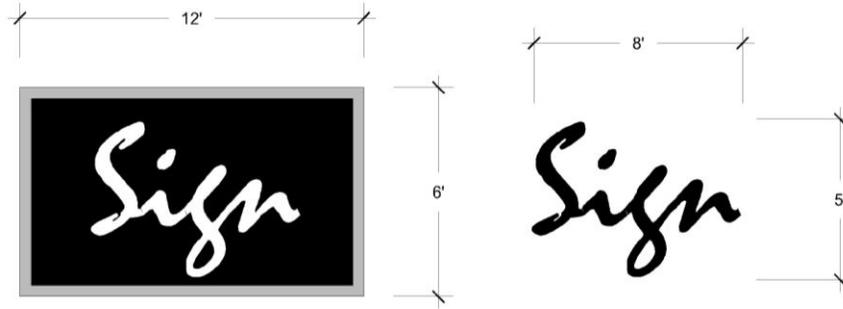
**B. Height.**

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 17.40.040: Sign Measurement**

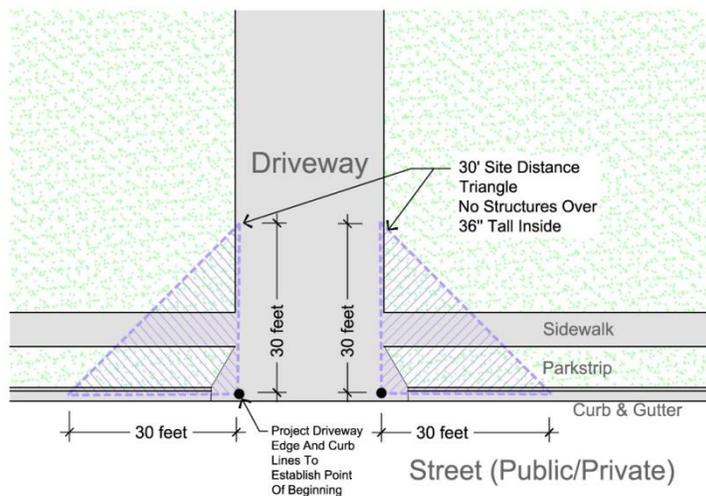


**§17.40.050. Sign Placement**

The following sign placement requirements shall apply:

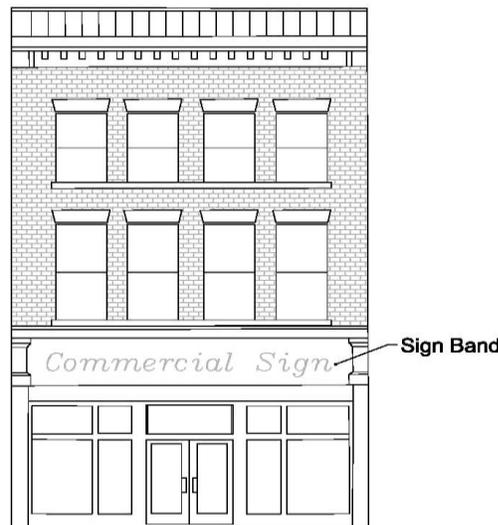
- A. All signs and sign structures shall be located completely within the boundaries of the lot on which the principal building or use is located;
- B. No part of a pole sign shall be placed within 10 feet of an adjacent public or private right-of-way or property line;
- C. Monument signs taller than 36” in height shall not be placed within a Sight Distance Triangle at either the intersection of two streets or adjacent to a driveway entrance as shown in Figure 17.40.050.C.1;

**Figure 17.40.050.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 17.040.050.H.1) if available.

**Figure 17.40.050.H.1: Typical Sign Band location on a Historic Building**



**§17.40.060. Illumination**

- A. For non-residential zones, no signs within 300 feet of a residential zoning district shall be illuminated between the hours of eleven (11) p.m. and five (5) a.m.;
- B. For residential districts, no sign shall be illuminated between the hours of ten (10) p.m. and six (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 properties.

**§17.40.070. 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.

## 17.40: Signs

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 hand side of the sign cabinet or to a location identified by a Department official when the permit is issued.
  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 an additional approval from the Planning Commission (see Table's 17.40.030.B1 & B2), the Historic Preservation Committee (signs to be placed in the Logan Center Street Historic District), or both.
  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, however, does not authorize the replacement or modification to the cabinet or frame of a legally existing non-conforming sign.
  10. All permanent signs that are 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.

**§17.40.080 Window Signs and Window Coverings**

- A. Permanent window signs or window coverings are allowed on the ground floor windows only. They shall not be located as to 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 percent 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 percent of the exterior wall areas of the ground floor tenant.
- B. Window displays and signs located within stores and not attached to the stores windows, 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 that are 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 17.40.030.B1).
- D. Window “perms”, window wraps, window decals, etc., are considered window signs and regulated as such.

#### **§17.40.090. 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 below; 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 below. 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 within 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 within the public right-of-way.
- I. Real Estate Signs shall be located outside of the sight distance triangle.

#### **§17.40.100 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;

## 17.40: Signs

- C. One sign 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 four (4) 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. Such off premise signs may be removed by the City;
- E. For construction of individual single family residences, such 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
- 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.

**§17.40.110. 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 within 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.

#### **§17.40.120 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 17.40.120, a business may advertise a special service, product, or sale during the holiday periods defined in Table 17.40.120. Only one additional banner sign, not exceeding 48 square feet in size, is allowed during these periods. Such banner shall meet the stipulations of Section 17.40.120.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 17.40.120, a non-profit entity may advertise or promote a Community Event using temporary banners that are consistent with the requirements of Section 17.40.120.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.

**Table 17.40.120: Holiday Sign Promotional Periods**

<b>Holiday Period</b>	<b>Permitted Display Time</b>
Presidents Day and Valentine's Day	5 days including the holiday
St. Patricks 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 <sup>th</sup> and July 24 <sup>th</sup>	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 17.40.120.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.

**§17.40.130. 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 17.40.110; and
- G. Commercial centers and their tenants shall not place portable signs within the public right-of-way.

**§17.40.140. 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 Section17.40.150 “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;
- 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 also Section 17.40.060 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.

**§17.40.150. 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 17.40.170.

**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.

**§17.40.160. 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 for 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 the table below 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 17.40.160: 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 17.40.160.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 17.59.080.

**§17.40.170. 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.**

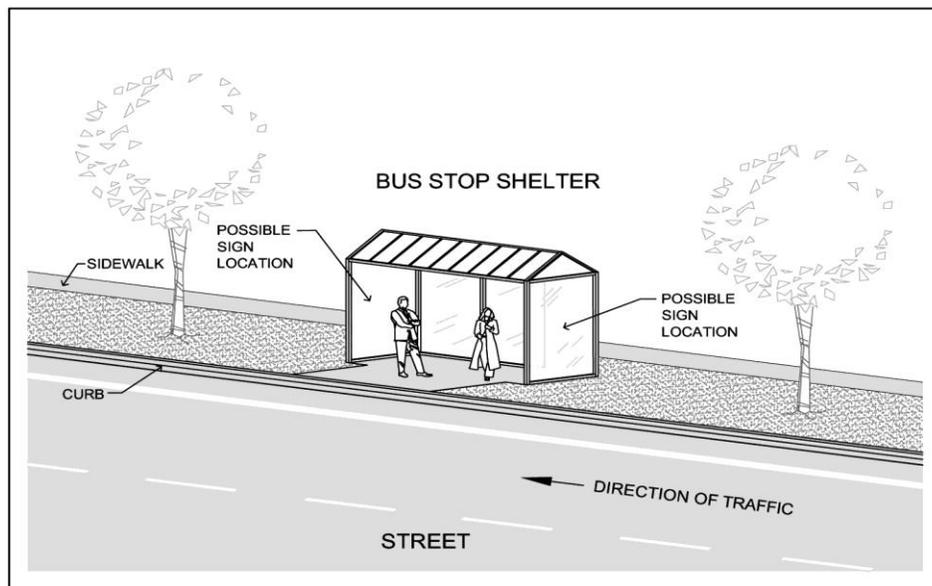
1. Signs shall be a maximum of twenty-four (24) square feet per shelter; and
2. Route maps and other transit oriented information will not be counted as part of the sign area.

**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 17.40.140: Cache Valley Transit District Shelter Signage****§17.40.180. 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.

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## **Chapter 17.41: Reserved**

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## **Chapter 17.42: Reserved**

## Chapter 17.43: Home Occupations

### §17.43.010. Purpose

The purpose of this Chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.

### §17.43.020. 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.

### §17.43.030. Types of Home Occupations

#### A. Family, Child, and Elder Day Care.

Day care in a home is not subject to the provisions of this chapter. It is treated as a defined use in the base zoning district.

#### B. Group Living Facilities as a Business.

Assisted Living Centers and Group Living Facilities are not considered Home Occupations; rather, they are commercial land uses within a residential district and are subject to the provisions of the base zoning district and other development standards of this Title:

#### C. Office in the Home.

A business where an office is maintained in the home but the business activity is conducted or occurs away from the residential property. Client traffic with this type of business is very minimal and is regulated by the general provisions of this Chapter.

#### D. Outside Sales.

Outside sales activities, such as sales of cosmetics, vacuum cleaners, and similar businesses operated with the proprietor making the transaction at another residence are permitted.

#### E. Demonstration Sales, Sales Parties, and Periodic Group Gathering Activities.

Sales activities requiring a marketing effort comprised of a group gathering on a periodic basis in order to sample or display the product may be permitted as a home occupation. While the intent of this code is to accommodate such activities as a use, it is not the intent of the City to allow such activities to occur on a frequent and regular basis in a residential location. If the City receives repeated and legitimate complaints about the number of gathering activities that are commercially related, the City may impose limitations on the number of gatherings per specified time period.

#### F. Businesses for which a Business License is Not Required.

Businesses for which a business license is not required are not regulated by the provisions of this chapter, provided that such uses do not become a public nuisance due to operational characteristics, traffic, noise, or use of hazardous or toxic materials.

### §17.43.040. Home Occupations within Multi Family Zones and Structures

#### A. A home occupation in a multi-family attached dwelling unit shall meet the following:

1. An office in the home is a permitted use;
2. No regular customer traffic shall be permitted;
3. No signs shall be permitted; and
4. No onsite employees shall be permitted other than persons residing in the dwelling unit.

- B. 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.

**§17.43.050. 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 20 per week. Any customer traffic in excess of six (6) customers per day or 20 per week will require the issuance of a Conditional Use Permit.
3. In the Multi Family zones, no customer traffic shall be permitted, except an occasional product pick-up or payment.
4. If there is more than one employee working within the residence a Conditional Use permit is required.
5. 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.
6. The home occupation shall not exceed over 25% of the gross floor area of a residence.
7. If the home occupation is conducted in an attached or detached garage, the square footage of the attached or detached garage shall not exceed 25% of the square footage of the dwelling.
8. If the home occupation is conducted in a garage, off-street parking for residents of the dwelling shall be provided in conformance with the Logan Municipal Code,
9. Customer parking, if permitted by the provisions of this chapter, may be located on the street. The business shall take steps to manage customer arrivals and departures to not impact neighboring residential properties.

**§17.43.060. 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, and will not exceed customer traffic thresholds, the home occupation may be permitted administratively.

B. Home Occupations for which a Conditional Use Permit is Required.

A Conditional Use Permit is required for any home occupation which meets the following thresholds:

1. The home occupation will have more than one non-resident employee based at the residence, not to exceed three non-resident employees;
2. The home occupation will have customer traffic by appointment in excess of six persons per day or twenty per week not to exceed ten per day or thirty 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. Is a business that 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 Chapters 17.46 and 17.49.

**§17.43.070. 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.

**§17.43.080. 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 the residence in order for the business to financially succeed shall be prohibited as a home occupation, with the exception of seasonal businesses identified in §17.43.160.
- B. Customer Traffic by Appointment.  
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.
- C. 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.
- D. Dispatch Centers.  
Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.
- E. 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.

**§17.43.090. Signs**

Signs are limited to a single sign, no larger than two 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. No signs are permitted in the Multi Family zoning districts.

**§17.43.100. Business Licenses**

Business licenses shall be required for home occupations in conformance with the provisions and penalties of the Logan Municipal Code.

**§17.43.110. 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. Exterior storage or display of goods or equipment is prohibited, except for seasonal businesses as permitted in §17.43.160.

**§17.43.120. 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.

**§17.43.130. Trucks and Vehicles**

No truck larger than a passenger two-ton pick-up truck or van may be parked overnight at the site of a home occupation. The decision making authority may impose limitations of the parking of fleet vehicles at a residential lot when a home occupation permit has been issued. The intent of this section is that while recognizing that some businesses may own, lease, or operate more than one vehicle, the residential site shall not become the parking lot and storage area for the business.

**§17.43.140. Deliveries**

Vehicles used for delivery and pickup are limited to those normally servicing residential neighborhoods. A home occupation shall not require more than two trips per week by a commercial tractor-trailer vehicle.

**§17.43.150. Home Occupations Performance Standards****A. Retail Sales.**

Retail sales of goods may be conditionally permitted in residential properties if the business can function without requiring “drop-in” or unscheduled customer traffic. A business license may be permitted for a home occupation if the business operates in such a manner that sales orders are placed or transactions generated at the subject property, but customer delivery or pickup occurs elsewhere. An example of this would be a business such as Amway, Avon, or Mary Kay Cosmetics, where customers call the representative to order from a catalog and the representative typically delivers the merchandise to the customer at the customer’s home. The Director may impose conditions to limit the number or customer visits to the business.

**B. Home Occupations and Residential Additions and Accessory Buildings.**

1. A home occupation shall not be permitted in an accessory building, unless located in an existing garage, provided that the area dedicated to the home business is not greater than 25% of the floor area of the house, exclusive of the square footage of the garage.
2. An addition to a residence for the purpose of accommodating a home business shall not be permitted.

**§17.43.160. Seasonal Retail Sales****A. Christmas Tree Sales from Residential Dwellings.**

Residents of single family dwellings shall be permitted to sell Christmas trees from the property upon which the single family dwelling is located from November 21 through December 25 of a calendar year, shall obtain a business license in conformance with the requirements for licensing seasonal businesses, and shall comply with the following:

1. Trees shall be located entirely on private property and shall not be displayed within the public right-of-way;

## 17.43: Home Occupations

2. Signs shall be a maximum of four feet by four feet single sided and shall be displayed on private property where the trees are being sold;
  3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, or power poles;
  4. No off-premise signs are permitted;
  5. Signs shall be removed from the yard when the trees are not being offered for sale;
  6. No banners, flags, or pennants shall be permitted. This restriction does not apply to regular Christmas lights as may be displayed on the property;
  7. Hours of operation of the business shall not exceed 9:00 a.m. until 9:00 p.m.; and
  8. All Christmas trees shall be removed from the property by December 31 of the calendar year in which the sales of the trees were initiated.
- B. Other Seasonal Sales.
- Seasonal sales of items from residential property, such as fruits and vegetables, crafts, or other items grown or created on the property are permitted for a period of time not to exceed six weeks in a calendar year when sales are of a level to require a business license. Seasonal sale items are subject to the provisions of this chapter and the following:
1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
  2. Signs shall be a maximum of two feet by two feet single sided. Signs shall be displayed on private property where the produce or crafts are being sold;
  3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, or power poles;
  4. No off-premise signs are permitted;
  5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
  6. No banners, flags, or pennants shall be permitted;
  7. Hours of operation of the business shall not exceed the hours 9:00 a.m. until 9:00 p.m.; and
  8. All produce or products offered for sale shall be removed at the end of the sales period.
- C. Seasonal Items for which a Business License is Not Required.
- There are no restrictions on the sales of items from a residence when a business license is not required, provided that there is compliance with the following:
1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
  2. Signs shall be a maximum of two square feet. Signs shall be displayed in conformance with the provisions of this chapter.
  3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, or power poles;
  4. No off-premise signs are permitted;
  5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
  6. No banners, flags, or pennants for the sales shall be permitted; and
  7. Hours of operation of the business shall be from 9:00 a.m. until 7:00 p.m.

## Chapter 17.44: Additional Development Standards

### §17.44.010. Purpose

This chapter is intended to provide development standards for specific categories of land uses for which conventional development standards of this Title need to be supplemented.

### 17.44.020. Self Storage

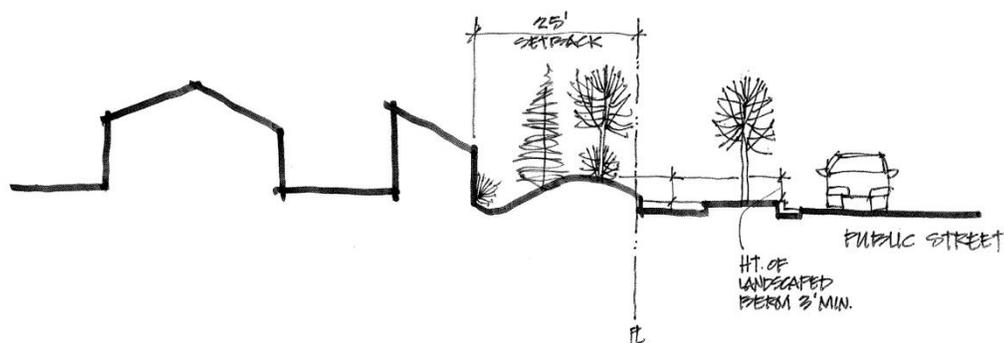
#### A. Purpose.

The additional requirements for Self Storage uses are intended to ensure that this type of project is developed to reduce adverse consequences on surrounding properties and requires that the long-term appearance of storage units is maintained.

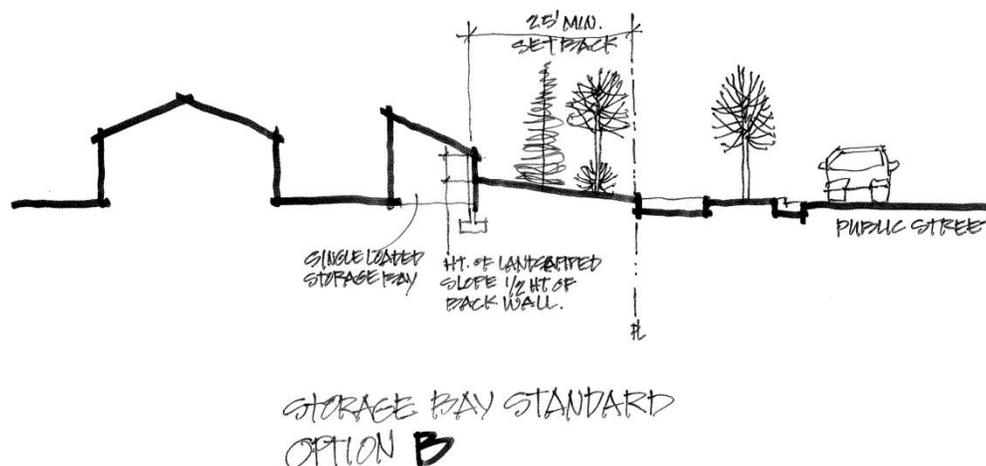
#### B. Standards.

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 BAY STANDARD  
OPTION A



### §17.44.030. Adult-Oriented Businesses

#### A. Purpose.

The purpose of this section is to establish 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 affects 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.

## 17.44: Additional Development Standards

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 the 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 such cases where relocation is required for conformance with this section, the business shall have complied by December 31, 2015.
- D. Signs.  
Notwithstanding Chapter 17.40, 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 and awnings shall be permitted only to 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, the 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.

**§17.44.040. 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 the owners of these farms have certain rights for the agricultural uses to continue.
  4. Protecting the rights of agricultural uses to continue is important in order to avoid the 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.

## 17.44: Additional Development Standards

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 preexisting agricultural uses.
  3. Storage of working equipment. No limitations shall be imposed on equipment that is used in the operations 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 any person forwards 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.

**§17.44.050. 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 in 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. In addition, 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 all applicable regulations and conditions within six months of the date of the permit issuance unless otherwise approved and extended in writing by the Director.

## 17.44: Additional Development Standards

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. This will require certification by a licensed structural engineer that the structure is sound enough to be moved and relocated. The structural engineer must include drawings and specifications to support structural analysis for moving and relocation at the proposed site.
  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 slightly 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 also 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 for, fees for, and construction of any foundation work or any improvements is not required until such time as 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 in compliance with setback requirements as 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 granted to the applicant 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 into 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 that 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.



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## Chapter 17.45: Wireless Telecommunications Facilities

### §17.45.010. Purpose

The purpose of this chapter is to protect Logan's aesthetic resources and community character by establishing development regulations for wireless telecommunication facilities to assure their compatibility with adjoining uses. Because the location and design of wireless telecommunications facilities may negatively impact surrounding properties and neighborhoods, the purpose of these regulations is to locate wireless telecommunications facilities where they are least visible from public streets and public areas, and to the greatest extent possible, screen them from adjoining properties.

### §17.45.020. Applicability

This chapter applies to both commercial and private wireless telecommunication facilities, including but not limited to, "cellular" or PCS (personal communications system) communications and paging facilities or others as defined in §17.62. This chapter does not apply to public safety, emergency services, amateur radio, home satellite or television equipment, although they may be regulated by other city ordinances and policies.

### §17.45.030. Permits Required

- A. A conditional use permit and a design review permit are required for all new wireless telecommunications facilities. The conditional use and design review permits shall be reviewed and issued in accordance with the approval processes outlined in this Title and shall not unreasonably discriminate among providers of functionally equivalent services.
- 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.

### §17.45.040. 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',



Using Stealth Design on Existing Buildings

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.

**§17.45.050. Design Requirements**

In order to approve the proposed telecommunications facility, the Planning Commission shall find that the proposed facility employs stealth design. Because of the unique circumstances associated with each site, a facility that is considered to be stealth in one location may not be considered to be stealth in another location. In making the decision, the Planning Commission shall consider any special circumstances applicable to the proposed site and the methods of stealth design listed below: .

- A. To the extent that it is reasonably feasible, the applicant shall employ stealth design so as to mitigate and/or camouflage negative visual effects. Stealth design ensures that facilities will be compatible with the natural or built setting and that the facilities will be concealed or camouflage;
- B. Blending the facility with the architecture of the existing structure upon which the facility will be mounted;
- C. Blending the facility with existing vegetation and/or site features;
- D. Using color schemes, materials and textures that make the facility less noticeable; and
- E. Using church steeples, clock towers, bell towers, false penthouses, vegetation or other similar "mimic" structures to conceal antennas, associated structures and equipment. Such "mimic" structures shall have a contextual relationship to the adjacent area.
- F. Applicants shall demonstrate that they have made reasonable efforts to co-locate on existing towers or poles in the vicinity prior to the consideration of a proposal for a new tower or pole.

**§17.45.060. 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 antennas and supporting structures extend more than one foot beyond the side of the tower or pole.
  2. The height of the antenna and its supporting structures may not exceed five (5) feet above the height of the tower or pole.



**Using Stealth Design on Existing Utility Poles**

3. The height of the existing tower or pole may be increased for a co-location provided the tower or pole is below the maximum height allowed per §17.45.090

#### §17.45.070. 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 or greater than double the height of the antenna as measured from the roof line to the top of the antenna. The Design Review Committee 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, placed on a pitched roof, may extend a maximum of five (5) feet above the roofline of the existing structure only upon a finding by the Planning Commission the proposed facility preserves the character of the neighborhood by meeting the highest standard of stealth design.



Using Stealth Design on Agricultural Structures

#### §17.45.080. 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 two 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 five percent (5%) of that façade's area.



Using Stealth Design on Existing Buildings

#### §17.45.090. Monopoles and Towers

- A. Design.

## 17.45: Wireless Telecommunications Facilities

1. The maximum height of a monopole or tower with antennas and antenna support structures shall be 70' in the Industrial and Commercial Service zones, 60' 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 structure.
  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. In no case shall the antennas and supporting structures extend more than one (1) foot beyond the side of the tower or pole.
- B. Siting.
1. Monopoles and towers 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 Design Review Committee may reduce the required setback in the design review process if practical difficulties are demonstrated by the proponent and upon a finding that a reduced setback would adequately preserve the character of the neighborhood.
  2. Monopoles 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.
  3. Any associated mechanical or electrical equipment shall be completely screened from view with a solid screen fence or wall and landscaping.
  4. Antennas mounted to the sides of a monopole may only be allowed in the case of a co-location in accordance with Section 17.45.060.



**Using Stealth Design with Vegetation**

**§17.45.100. 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.

**§17.45.110. Legally Existing Nonconformities**

Legally existing nonconforming wireless telecommunications facilities, equipment, and antennas are governed by Chapter 17.59.

**§17.45.120. 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).

## 17.45: Wireless Telecommunications Facilities

- 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.

**§17.45.130. 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 17.46: Permit Authority

### §17.46.010. 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.

### §17.46.020. Application Review Standards

Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.46.020 identifies the decision-makers and appeals boards for all project and application types.

**Table 17.46.020: Application Decision-Makers and Appeals Boards**

Project Type	Chapter	Applications Heard By:
Certificate of Appropriateness	§17.27	Historic Preservation Commission
Subdivisions	§17.47	Planning Commission
Boundary Line Adjustment	§17.48	City Engineer
Conditional Use Permit	§17.49	Planning Commission
Design Review, all other projects	§17.50	Planning Commission
Amendments to the Land Development Code	§17.51	Planning Commission <sup>1</sup> Municipal Council
Amendments to the Official Zoning Map	§17.51	Planning Commission <sup>1</sup> Municipal Council
Amendments to the General Plan	§17.52	Planning Commission <sup>1</sup> Municipal Council
Variances	§17.53	Land Use Appeal Board
Appeals of Staff Decisions	§17.57	Land Use Appeal Board
Appeals of Staff's General Plan Interpretations	§17.57	Municipal Council
Appeals of Boundary line Adjustments	§17.57	Land Use Appeal Board
Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions	§17.57	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	§17.57	District Court

### §17.46.030. 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 commence or 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 in compliance 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, in association with the Public Works Director, City Engineer, and the Director, shall prepare a list of the requirements for site plan

submittal. In order 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 within the City include, and are not limited to: Building Inspection Division, Planning and Zoning Division, Department of Public Works, City Engineering, Street Division, Light and Power Department, Water and Sewer Divisions, Environmental Health Department, and 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 or more units, all commercial, all industrial, and non-residential development shall be prepared by a professional architect, landscape architect, or engineer licensed within 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 in compliance with all appropriate conditions.

E. Permit Voidable If Issued In Conflict With Title.

Should any permit or license be issued in conflict with the provisions of this chapter, such permit or license shall be voidable.

F. Permit Voidable If Issued on the Basis of Inaccurate Information.

Should any permit, license, or approval be granted on the basis of inaccurate, incomplete, or fraudulent information, the permit shall be voidable.

**§17.46.040. 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.

**§17.46.050. 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.

## Chapter 17.47: Subdivisions

### §17.47.010 Purpose

The purpose of regulating subdivisions is to ensure the orderly development of the City of Logan 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; road lay-outs adequately provide community linkages and conform to the block grid system; and the character of Logan's neighborhoods are protected in the development process.

### §17.47.020 Standing To Apply

Any owner of real property proposing to create a subdivision of one or more lots shall follow the procedures in this chapter.

### §17.47.030 Procedures, Reports and Hearings

Subdivisions are processed under the provisions of Chapter 17.55 and the requirements of this Chapter. Applications for subdivisions are heard before the Planning Commission as required by State law and this Code.

#### A. Department of Community Development Standards and Procedures.

The Director shall prepare administrative procedures and requirements to ensure that the Planning Commission has adequate information from which it may make a decision about the proposed subdivision.

#### B. Public Works Standards and Procedures for Infrastructure.

The Director of Public Works shall prepare administrative procedures and requirements to regulate and monitor the construction of infrastructure required as part of subdivision design and development

#### C. Other Department Standards and Procedures.

The directors of other departments participating in the subdivision process shall prepare administrative procedures and requirements related to the departmental needs in reviewing subdivision design.

### §17.47.040. Additional Application Requirements

#### A. Preliminary Plat Map Required.

In addition to the requirements in Chapter 17.55, a complete application for a subdivision shall include a preliminary plat map and the submittal of all applicable preliminary plat review fees as set forth in the current fee schedule as adopted by the City Council. The preliminary plat map shall depict the content required by the City's administrative procedures and the content specified by Utah Law. At a minimum, all preliminary plat maps shall be stamped and prepared by, or under the supervision of, a professional appropriately licensed to prepare plat maps in the State of Utah.

#### B. Contents of Preliminary Plat Map.

The preliminary plat map shall include all of the following items and other items as may be required by the Director or City Engineer:

1. The proposed name of the subdivision;
2. A title block that includes the following information:
  - a. Name, mailing address, daytime telephone number of the subdivider;
  - b. Name, mailing address, daytime telephone number of the owner of record if different from the subdivider;
  - c. Name, license type, license number, mailing address, daytime telephone number of the licensed professional preparing the plat map;

## 17.47: Subdivisions

- 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 map 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 map.
  4. The location of perimeter property lines, streets, railroads, easements, buildings, water courses or other important features within or adjacent to the area;
  5. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;
  6. The location of existing sanitary and storm sewers, water mains, culverts and other underground structures with the location and size of the nearest water main and sewer outlet indicated on the preliminary plat map;
  7. The proposed name, location, and width of streets, alleys, lots, easements, building setback lines, utilities, parks, and other common spaces;
  8. The location of all hydrants and known sewer and water lines within two hundred feet of the subject property;
  9. Date, north arrow, and an accurate bar scale;
  10. Contour lines at appropriate vertical intervals if the area has irregular topography or if the Public Works Director requires them;
  11. Description and drawing of the typical template for streets, roads, and utilities;
  12. A proposed phasing plan identifying the unit or phase boundaries on the preliminary plat and including a timeline for recording each subsequent final plat map. Failure to identify phases on the preliminary plat may require that the remaining unrecorded portion of the subdivision be reviewed by the Planning Commission when each subsequent final plat map is submitted for City review;
  13. Location and extent of critical lands which are not buildable as required by this code; and
  14. Land Set Asides, open space, or other land held in common.

**§17.47.050. Planning Commission Action****A. Required Findings.**

The Commission may approve a subdivision when it is able to substantiate 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. The subdivision lots maintain or enhance neighborhood character;
5. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities;
6. The subdivision has been revised and amended by the conditions of project approval to respond to the issues raised by City Departments and public agencies, and to address legitimate concerns of the public;

## 17.47: Subdivisions

7. 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;
  8. The design and layout of lots and streets conforms to the city grid to greatest extent possible;
  9. The design and layout of lots and their associated building area is configured to protect critical lands, existing trees, and other natural features;
  10. Approval of the subdivision conforms to the requirements of Utah law;
  11. If the subdivision is proposed to be completed in phases or units, the Commission shall find that the subdivision can be completed in phases. This finding shall be required in order to provide a record of the approved phasing. The Department of Public Works shall make a recommendation on the location of phasing lines to ensure construction of infrastructure and utilities meets the requirements of the Department;
  12. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City; and
  13. 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 Plat Maps.  
The Commission may modify a preliminary plat map, 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.

**§17.47.060. Final Plat Map or Final Plat Map Waiver****A. Final Plat Map Required.**

Following action to approve or conditionally approve the preliminary subdivision, the subdivider shall have a professional, appropriately licensed in the State of Utah, prepare a plat map for the subdivision.

- B. City Engineer May Waive the Final Plat Map Requirement for a Two-Lot Subdivision.
1. The City Engineer may waive the final plat map requirement for a subdivision of two lots if the subdivision is comprised of two lots, the subdivider intends to create the lots by metes and bounds descriptions, and the deed includes a certificate signed by the Director as required by Utah Law and as listed in Explanation 17-20 stating: “The lot described in this instrument was reviewed and approved by the City of Logan Planning Commission as Docket #\_\_\_\_\_ at its meeting of <meeting date>. This certificate warrants that at the time of original signature, all subdivision requirements and conditions tied to the recordation of this deed have been satisfied. The Commission action may have included other development requirements, development agreements, or deferred actions that may be conditions prerequisite to the issuance of building permits, use or occupancy of any development for this lot.”
  2. The City Engineer may require preparation of construction plans when appropriate.
  3. The Director shall not sign the instrument unless and until it has been verified that all appropriate conditions have been satisfied and the subdivision has been approved by the City Engineer.

**§17.47.070. Final Plat Preparation****A. Final Plat Preparation.**

Following action to approve or conditionally approve the subdivision, the subdivider shall comply with conditions imposed by the Commission shall prepare a final plat map for recordation, and shall submit the applicable final plat review fees as set forth in the current fee schedule as adopted by the City Council. The final plat map shall comply with this Title and Utah law. At a minimum, and in addition to any requirements established by the City, the map shall include the following:

1. The surveyed subdivision boundary line shall include all elements defined by Utah Code §17-23-17, and including 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. Indication shall be given of 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 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;
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 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 licensed to perform such work in the State of Utah.
- B. Final Plat Map Certificates.
- The final plat map shall include the following information as required by the City of Logan and Utah law:
1. A notarized signature of the land owner on the face of the original plat;;
  2. A certification by the surveyor preparing the map or plat. The surveyor making the plat shall certify that the surveyor:
    - 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 map identifies new locations for underground or utility facilities that are shown or described on the map in conformance with the requirements of Utah State law, the owner or operator of the underground and utility facilities shall approve the map or 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
    - 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 map 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;
- c. Notary public's acknowledgment;
- d. City Attorney's certificate of approval;
- e. City Engineer's certificate of approval;
- f. Director's certificate of approval;
- g. The Mayor's certificate of approval; and
- h. Certificate of the County Recorder.

C. 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 12 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 map does not identify phases or units for the subdivision, each subsequent phase or unit shall be reviewed by the Planning Commission.

D. Recordation.

1. When the final plat has been prepared to City and State specifications, and when all conditions, requirements, and modifications have been satisfied, the City shall approve the plat map and cause it to be recorded. Before the City may approve the final plat, the owner of the land shall provide a Preliminary Title Report and tax clearance from Cache County demonstrating that all taxes, interest, and penalties owing on the land have been paid;
2. The City attorney shall be required to verify that the map meets the requirements of Utah law and this Title in terms of form, certificates, title, ownership, and release of liens;
3. The Director shall be required to review and ensure that the subdivider has complied with all conditions of this Title and as imposed as a result of the Planning Commission's action or the appeal, if any;
4. If required by the City Engineer, the final plat map shall be accompanied by a full and complete drawing on computer diskette readable in the current version of AutoCAD®, ArcInfo®, or as a "DXF" or similar file readable at scale by the City's engineering computer and geographic information system software. Such disks and computer files shall be considered proprietary information between the originating engineer or surveyor and the City and shall not be made available as public documents; and
5. After the map or plat has been acknowledged, certified, approved, and all development agreements executed, the owner shall provide the City with funds payable to Cache County for the recordation of the map and the City Engineer shall cause the final plat map to be filed and recorded in the county recorder's office. The final plat map or the final plat map for the first phase or unit shall be recorded within twelve months of the date of the Planning Commission approval as per Section 17.58.010. All applicable fees and taxes shall be paid prior to the filing of the final plat map. The subdivider shall execute a development agreement for completion of subdivision improvements prior to the recordation of the final plat map. The development agreement shall be recorded with the map and shall run with the land until the completion of all improvements. The City Engineer may require a

notation on the final plat concerning assessments or completion of improvements that may occur more than twelve months after recordation of the plat.

**§17.47.080. Completion of Subdivision Improvements**

No subdivision final plat map 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. In addition, the following minimum requirements apply and may be added to by the City Engineer or the Planning Commission 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 right of way construction permit shall be obtained for all work within existing right of ways.
- D. Permits must be obtained for construction of the infrastructure facilities within the subdivision.
- E. There shall be a schedule of fees in the office of the Public Works Director and approved by resolution of the City Council.
- 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 Public Works Department not less than forty-eight hours prior to the commencement of construction.
- J. Within thirty 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 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.

## **Chapter 17.48: Boundary Line Adjustments, Vacation or Amending of a Subdivision Plat Map**

### **§17.48.010. Purpose**

Boundary line adjustment, vacation of subdivision lots, or amending subdivision plat maps procedures are intended to provide a streamlined and simplified method of complying with State law by allowing property owners to adjust lot lines or combine lots within the limits of this chapter.

### **§17.48.020. Standing To Apply**

Any adjoining property owners who submit an application, proposed map, and proposed legal descriptions for a boundary line adjustment shall have standing to submit a complete application to the City Engineer for the boundary line adjustment, subdivision vacation, or changing a subdivision plat. The City Engineer is empowered to approve, conditionally approve, or deny boundary line adjustments.

### **§17.48.030. City Engineer Responsibilities**

#### **A. Preliminary Review.**

The City Engineer shall review the application to ensure that it is complete. Before a hearing shall be scheduled, the City Engineer shall be required to substantiate the following:

1. The change in boundary lines does not result in the creation of a new lot or parcel;
2. The proposed change to a lot does not result in the creation of a lot of size or shape that does not conform with City zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming lot, the change may not increase the nonconformity;
3. The proposed change to a lot does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site development requirement; and
4. The petition to change the boundaries include signatures from representatives of each lot or parcel affected by the boundary line adjustment, and any necessary signatures from holders of liens, mortgages, or easements affected by the boundary line adjustment.

#### **B. Distribution and City Review.**

After completion of the preliminary review, the City Engineer shall circulate a map of the proposed boundary line adjustment to the other City development review departments or departments that may be affected by the proposal for comments and recommended conditions, if any.

#### **C. Failure to Obtain Signatures of Representatives of Owners of Record.**

If the City Engineer determines that the application does not include signatures from at least one record owner representing each parcel or lot, the City Engineer shall follow the procedures prescribed in Utah law for considering action on the proposed boundary line adjustment in Utah law.

### **§17.48.040. Public Hearing Required**

The City Engineer shall hold a duly noticed public hearing in conformance with requirements of Utah law. A written staff report as specified in Chapter 17.55 shall not be required.

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17.48: Boundary Line Adjustments, Vacation or Amending of a Subdivision Plat Map**§17.48.050. Recordation of Approved Boundary Line Adjustment**

Following final approval by the City Engineer, the property owners shall submit the executed deeds, any required maps, and other required 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.

**§17.48.060. Plat Map May Be Required**

In conformance with Utah law, 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.

**§17.48.070. Vacating or Amending a Subdivision Plat or Public Right-of-Way**

Other amendments to subdivision plats or vacating public right-of-way shall follow the provisions set forth in Utah law.

**§17.48.080. Expiration**

Any boundary line adjustment that has not been presented for recordation to the City Engineer within ninety days of the date of City Engineer approval shall be deemed to have expired.

## Chapter 17.49: Conditional Use Permits

### §17.49.010. Purpose

The purpose of this chapter is to provide a system for the discretionary consideration of applications for conditional use permits in order to preserve and enhance neighborhood character and to protect the public health, safety, and general welfare.

### §17.49.020. 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.

### §17.49.030. 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 discretionary 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.

### §17.49.040. Procedures, Reports, and Hearings

Conditional use permits are processed under the provisions of Chapter 17.55 and the requirements of this chapter. Applications for conditional use permits are heard before the Planning Commission.

### §17.49.050. Planning Commission Action

The Commission may approve or conditionally approve a conditional use permit only upon substantiating the following findings:

- A. The maximum established density has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.
- B. The use permitted under the conditional use permit conforms to the requirements of Title 17 of the Logan Municipal Code and is listed as a conditional use in the Use Table.
- C. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
- D. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.
- E. The proposed use is compatible with neighborhood uses and character while preserving and enhancing the character of the neighborhood.
- F. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications. 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.
- G. The proposed use provides adequate off-street parking in conformance with this Title.
- H. The project provides open space and landscaping in conformance with this Title.

### §17.49.060. Dedication of Water Rights (reserved)

### §17.49.070. Abandonment or Vacation of Use

Any use for which a conditional use permit was issued pursuant to this Title shall be deemed to be voided 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.

## 17.50: Design Review Permits

### §17.50.010. 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.

### §17.50.020. 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 17.50.070. 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 17.50.070.

### §17.50.030. 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.

### §17.50.040. Design Review Permits

A. Design Review Permits are required for the following types of development:

1. Single family dwellings located above the 4950' elevation;
2. Attached single family dwellings;
3. Townhomes and Townhouses;
4. Multi family residential buildings;
5. Subdivisions;
6. Commercial development;
7. Industrial development;
8. Recreation development;
9. Public development;
10. Freestanding signs;
11. Wall art over 10% of the first story façade area; and
12. 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.

### §17.50.050. Procedures

Design Review Permits shall be processed as either a Track 1 Permit or a Track 2 Permit, and the review process shall follow the procedural requirements in Section 17.55.

§17.50.060. **Design Review Track 1:** The Director shall be the review authority for Track 1 design review applications. The Director shall review Track 1 applications according to Section 17.54.

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;
  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 Section 17.50.070 (Track 2) 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 17.50.080.
- 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 17.57.
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

**§17.50.070. Design Review Track 2:** The Planning Commission shall be the reviewing authority for design review applications that do not meet the criteria under Section 17.50.060.A. The Planning Commission shall review Track 2 applications according to Section 17.55.

**§17.50.080. 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.

**§17.50.090. 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.
- Modifications to an approved site plan and/or elevations 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 17.51: Amendments to the Land Development Code

### §17.51.010. 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.”

### §17.51.020. 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 are not required.
2. The Planning Commission or Municipal Council shall consider the petition only 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.

## 17.51: Amendments to the Land Development Code

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.

**§17.51.030. 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 17.55, except as directed for the Municipal Council in this chapter. Applications for amendments to the text 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 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

**§17.51.040. 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.

**§17.51.050. 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

## 17.51: Amendments to the Land Development Code

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 of 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 also 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 in order 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.

**§17.51.060. 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 its workshop, the Council may accept the matter and schedule for public hearing, or request additional information prior to scheduling the matter for 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 at a Municipal Council meeting of the Council's selection.
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:

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.

**§17.51.070. 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.

**§17.51.080. Municipal Council Action**

A. Council Action by Ordinance.

Following 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 of 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.
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 17.52: Amendments to the General Plan

### §17.52.010. 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.”

### §17.52.020. Amendment Procedures

#### A. Application Process.

Amendments to General Plan maps or the text of 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.

### §17.52.030. 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.

### §17.52.040. Planning Commission Action

The Commission may recommend that the Municipal Council approve an amendment to the General Plan maps or the text of the General Plan if it substantiates the findings in this section.

#### 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 in order 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 General Plan are intended to identify the reasons the Commission is recommending the change.

### §17.52.050. 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 its 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 at a Municipal Council meeting of the Council's selection.
  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.

**§17.52.060. 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.

**§17.52.070. 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 17.53: Variances

### §17.53.010. 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.

### §17.53.020. 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 variance application as complete.

### §17.53.030. Procedures, Reports and Hearings

Applications for variances are processed under the provisions of Chapter 17.55 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.

### §17.53.040. Approval Criteria

The Land Use Appeal Board may grant a variance only in compliance with Utah Law.

## Chapter 17.54: Procedures for Processing Track 1 Project Applications

### §17.54.010. Uniform Project Review Procedures

All applications for Track 1 project review shall be processed with the uniform procedures of this Chapter.

### §17.54.020. 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 process 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 for a Design Review Permit 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 also identify any proposed buildings, parking, landscaping, signs and building elevations.

### §17.54.030. Application Requirements

#### A. Complete Application Required.

An application for Track 1 review shall not be accepted nor 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.

### §17.54.040. Staff Analysis and Record of Decision

The Director shall review the applications for conformance with submittal requirements and shall prepare a written Record of Decision that includes or references the following:

1. Analysis of the proposed project for conformance with the plans, policies, and provisions of this title;
2. Comments and requirements of other City entities or public agencies;
3. Recommendation for approval, conditional approval, or denial;
4. Recommended conditions of approval; and
5. Findings of fact on which the decision is based.

### §17.54.050. Findings of Fact Required

#### A. All Decisions Shall Be Supported With Findings.

Based on the specific requirements within 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.

**§17.54.060. Records of Decision**

The Director shall prepare a Record of Decision enumerating this decision according to Section 17.54.040. The Record of Decision may be signed by the proponent, shall be signed by the Director, and shall be recorded against the Tax Identification Number with the County Recorder.

**§17.54.070. 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 17.58, the permits shall become null and void.

**§17.54.080. 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 17.55: Procedures for Processing Project Applications

### §17.55.010. 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 17.51 and 17.52.

### §17.55.020. 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 process will allow staff to work with the proponent to make a complete and accurate submission to the Planning Commission. This step will also minimize false start design costs and 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 for a Design Review Permit 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 also 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.

### §17.55.030. Application Requirements

#### A. Complete Application Required.

An application for review by Community Development shall not be accepted nor 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 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.

### §17.55.040. 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 17.55.010), 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 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;

## 17.55: Procedures for Processing Applications

4. The project's address;
  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 direct 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 For All Projects.**  
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.

**§17.55.050. Staff Report and Analysis**

- A. **Written Staff Report Required.**  
The Director shall review the 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 it finds 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 days prior to the Commission or Board meeting.

**§17.55.060. Public Hearing**

The decision-makers or recommending body shall hold a public hearing at which it considers 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.

**§17.55.070. 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.

## 17.55: Procedures for Processing Applications

**B. Continuing a Project to a Future Meeting.**

The decision-makers may continue a project hearing or deliberations to a future meeting, but in no case shall a period of no more than six months 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 for the continued meeting unless specifically directed by the decision-makers.
2. Continuing a matter to a non-specified meeting date requires that the new public notices in conformance 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 from which 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 months shall be deemed withdrawn from any consideration.

**§17.55.080. Findings of Fact Required****A. All Decisions Shall Be Supported With Findings.**

Based on the requirements within the individual chapters for types of applications (Refer to §17.55.010), the decision-making or recommending body shall not be able to 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.

**§17.55.090. 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 against the Tax Identification Number with the County Recorder.

**§17.55.100. 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 17.58, the permits shall become null and void.

**§17.55.110. 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 17.56: Compliance With Conditions

### §17.56.010. Compliance Required

- A. Conditions Imposed on Project Approvals.  
All 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 whether or not the requirement or condition is enumerated in the permit or approval.

### §17.56.020. Compliance Timing

- A. Compliance Prior to Issuance of a Building Permit.  
Any requirement or condition for which compliance is required prior to the issuance of a building or grading permit shall be completed prior to 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 of the project, prior to the issuance of any permanent or temporary occupancy permits, or prior to moving equipment, furniture, or occupants into the project. Completion may be deferred if the City receives improvement security pursuant to this chapter.
- C. Landscaping to be Installed Prior to Commencement of Use or Occupancy.  
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 prior to the commencement of use, occupancy, or issuance of a Certificate of Occupancy.
- D. Temporary Occupancy Requirements Related to Landscaping.  
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.
  - 1. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this chapter prior to the initiation of any use or any 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 (snow cover, frozen ground, flooding). Financial or similar issues shall not constitute extenuating circumstances for the purpose of this section.

### §17.56.030. 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
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 firm bids for the work to be secured with prices valid for at least six months. The City shall accept the average of the three bids as the base amount for improvement security.

## Chapter 17.57: Appeals

### §17.57.010. Purpose

The purpose of this chapter is to provide uniform appeals procedures for development-related actions of the City.

### §17.57.020. 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 17.57.040.

### §17.57.030. 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 members are required to constitute a quorum.

### §17.57.35. 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 the 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.

### §17.57.040. Filing Appeals

- A. All administrative appeals shall be filed in writing with the Director in the offices of the Department of Community Development within ten 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.

**§17.57.050. 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 daytime 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. 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 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.

**§17.57.060. Standard of Review****A. The review by the Land Use 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 Land Use Authority 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 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.****C. For the granting of variances, the Land Use Appeal Board may grant a variance only as allowed under Utah law.****§17.57.070. Staff Report Required****A. Appeals of Commissions and Committees.**

The 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 person 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.

**§17.57.080. 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.

**§17.57.090. Decision of the Appeal**

The Land Use Appeal Board shall render its decision at the meeting by majority vote of the three member Board. If the Board overturns or modifies the action of the Land Use

Authority, 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 Land Use Authority, add, clarify, or enhance findings based upon the facts of the appeal meeting

**§17.57.100. 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 17.58: Expiration and Extensions of Time

### §17.58.010. 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 twelve months of the date of Planning Commission approval. 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 12 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 12 months from the date of Planning Commission approval. If a building permit is required, all permits shall be obtained by the proponent within 12 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 one year from the date of Planning Commission approval.

#### C. Design Review Permits.

1. The Design Review Permit is valid for 12 months from the date of Planning Commission approval. If a building permit is required, all permits shall be obtained by the proponent within 12 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 one year from the date of Planning Commission approval.

#### D. All Other Permits.

1. If no building permit has been obtained by the proponent, the permit issued pursuant to this Title shall expire one year 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 one year from the date of approval.

### §17.58.020. Extensions of Time

#### A. Subdivisions.

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 Planning Commission approval to date of recordation of a subdivision shall not exceed two (2) years.

#### B. Conditional Use Permits and Design Review Permits - Commercial and Industrial Projects.

Extensions of time may be approved as follows:

## 17.58: 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 §17.58.030 are substantiated. A second extension of time for a period of time not exceeding 12 months may be authorized by the Director if the findings in §17.58.030 are substantiated.
  4. If the proponent is delayed in completing the project beyond the second time extension granted by the Administrator, the proponent may request an additional extension of time, not exceeding 12 months, from the Planning Commission if a written request and payment of all extension fees are received by the Director prior to the expiration date, and the Planning Commission can substantiate the findings in §17.58.030.
- C. Conditional Use Permits and Design Review Permits - All Other Projects (residential, public, non-commercial or non-industrial), Except Building Permits.  
Extensions of time may be approved 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.
  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 §17.58.030 are substantiated. A second extension of time for a period of time not exceeding 12 months may be authorized by the Director if the findings in §17.58.030 are substantiated.
  4. If the proponent is delayed in completing the project beyond the second time extension granted by the Director, the proponent may request an additional extension of time, not exceeding 12 months, from the Planning Commission if a written request and payment of all extension fees are received by the Director prior to the expiration date, and the Planning Commission can substantiate the findings in §17.58.030.

**§17.58.030. Standards for Approving Extensions of Time**

## A. Extensions of Time Reviewed by the Director.

The Director may approve an extension of time for those approvals and permits specified in Section 17.58.020 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.

## 17.58: Expiration and Extensions of Time

**B. Extensions of Time Reviewed by the Planning Commission.**

The Planning Commission may approve an extension of time for either a Conditional Use Permit or Design Review Permit as specified in Section 17.58.020 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;
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;
4. The Planning Commission has modified the project's conditions to ensure that development standards in effect at the time of the extension of time are required for compliance; and
5. The extension of time is not detrimental to the public's interest.

## Chapter 17.59: Legally Existing Nonconformities

### §17.59.010. Purpose

This chapter is intended to govern the uses, structures, lots, 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, and to manage the expansion of legally existing nonconformities, to regulate re-establishment of abandoned uses, and to limit re-establishment of structures that have been substantially destroyed. It is the policy of the Municipal Council that as legally existing nonconformities obtain permits or reviews pursuant to this chapter, that the objective is to ultimately replace the legally existing nonconformity with a conforming use or structure.

### §17.59.020. Types of Legally Existing Nonconformities

This Chapter addresses the following types of legally existing nonconformities:

- A. Nonconforming Uses;
- B. Nonconforming Structures;
- C. Nonconforming Lots;
- D. Nonconforming Signs; and
- E. Other Legally Existing Nonconformities:
  1. Fences and walls with heights, materials, setbacks, or locations that are not in conformance with City requirements;
  2. Parking lots, facilities, structures, or sites that are not in conformance with City requirements; or
  3. Other site development characteristics that are not in conformance with City requirements and standards.

### §17.59.030. Policy

- A. Legally existing nonconforming uses shall be permitted to continue operating in the same way the use operated at the time the zoning regulations were enacted, revised, or amended which rendered the use nonconforming.
- B. Owners of land upon which there are legally existing nonconforming land uses may be granted a conditional use permit to substitute a use or expand a use within acceptable limits pursuant to this Chapter.
- C. The Planning Commission may, at its discretion, approve, conditionally approve, or deny an expansion of a nonconforming use, an expansion of the structure, or a legally existing non-conforming substitution of use subject to the following:
  1. The conditional use permit procedures outlined in Chapter 17.49 shall be followed.
  2. The Planning Commission may deny the change or expansion of use, a substitution of use, or an expansion of a non-conforming structure or other non-conformity identified in Section 17.59.020 if the Commission finds that the continued use or expansion is incompatible with conforming uses in the area.
  3. The Planning Commission may deny the substitution of use if it cannot substantiate, by evidence in the administrative record, the findings required for conditional use permit approvals.
- D. When a legally existing nonconforming land use or 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 use or structure may be established only as a conforming use or structure.
- E. A use or structure which becomes legally existing nonconforming upon the adoption, revision, or amendment of applicable regulations may continue. However, if the

## 17.59: Legally Existing Nonconformities

structure or use is vacated for 12 or more months following the modifications to the ordinance that rendered it nonconforming, it shall lose its legally existing status and shall be brought into conformance with appropriate codes prior to subsequent use.

- F. Each of the sections in this Chapter addressing the process for obtaining approvals for nonconforming uses, nonconforming structures, nonconforming lots, nonconforming signs, and other legally existing nonconformities are separate components of an approval. There can be a nonconforming use in a conforming structure; a conforming use in a nonconforming structure; a nonconforming use in a nonconforming structure, among other considerations. Each issue of nonconformity requires a separate action. These actions may occur as a part of the same application.

**§17.59.040. Authority to Continue**

- A. Continuing Legally Existing Nonconformities.

Legally existing nonconformities may be allowed to continue in accordance with all of the regulations of this chapter.

- B. Determination of Nonconformity Status.

The burden of proof establishing that a nonconformity lawfully exists rests with the owner, not the City. The Municipal Council may establish fees to cover the cost of Department of Community Development staff providing research services to determine nonconformity status in order to support the proponent's burden of proof requirement.

- C. 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 does not include completely rebuilding a nonconformity such that it is an entirely new structure or building.

- D. 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.

**§17.59.050. Nonconforming Uses**

Nonconforming uses are subject to the following standards.

- A. Enlargement.

A nonconforming use may not be enlarged, expanded, or extended to occupy more land area or floor area than was occupied at the time the use became nonconforming without first obtaining a conditional use permit as identified in Section 17.59.030. Additional accessory uses or structures may be established on the site of a nonconforming use following the review for consideration of a conditional use permit. The conditional use permit is a discretionary action and the effect of the nonconformity on the conforming uses and structures shall be considered in the review.

- B. Relocation.

Nonconforming uses shall not be transferred or moved to another lot unless the use will be in conformance with the use regulations of the district into which it is moved, and the relocation activities and construction meet current building code regulations.

## 17.59: Legally Existing Nonconformities

## C. Discontinuance and Abandonment,

If a nonconforming use ceases to exist for any reason for a period of more than 12 consecutive months, subsequent uses shall conform to all regulations of the district in which such lot is located.

## D. Damage or Destruction.

In the event that 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 use may be restored to the intensity or density that existed prior to the damage or destruction. In such cases, the use shall be re-established within 12 months of the date of damage occurrence.

## E. Substitution of Use.

1. An application for a conditional use permit to substitute a nonconforming use may be submitted provided that the new use is of the same general character as defined in subsection 17.59.050.E.2 of this section as the legally existing nonconforming use being replaced. The determination of whether a proposed use is a continuing use or is of the same general character shall be considered as one of the findings to be substantiated with review of the application for a conditional use permit.
2. “Same general character” means a substituted land use for which compatibility is determined utilizing a combination of the following resources:
  - a. North American Industrial Classification (NAIC): the substituted land use shall be within the same secondary business classification as the use being replaced;
  - b. Traffic generation: the number of vehicles per measurable unit for the substituted use shall be within 15% of the number of vehicles per measurable unit as identified in the current Institute of Transportation Engineers (ITE) Trip General Manual as the use being replaced;
  - c. The substituted use shall be permitted for not more than 10% more employees or fewer number than the number of employees utilized in the use being replaced;
  - d. The substituted use shall not generate or cause any measurable impacts on the neighborhood that are greater than the use being replaced. Impacts the Planning Commission shall consider in its decision include and are not limited to:
    - (1) Customer traffic as compared to the use being replaced;
    - (2) Audible noise in excess of levels generated by the use being replaced;
    - (3) Particulate emissions or odors generated in any amount; or
    - (4) Atmospheric emissions, storm water discharge or sewer discharge.
  - e. The Commission shall address each of the following issues in its deliberations on the substitution of a use:
    - (1) The Commission may combine compliance with these standards with other facts in the administrative record and other findings as required by ordinance or statute in determining the compatibility of the substituted use with conforming uses in the neighborhood;
    - (2) The Commission has the discretion to deny a substitution of use when facts in the administrative record substantiate that there is a fair argument that the substituted use will adversely affect the character of a neighborhood, or the public health, safety, and general welfare; and
    - (3) The Commission has the discretion to deny a substitution of use, even if the use is of the same general character as the use being replaced, when it finds that the substituted use will adversely affect the neighborhood or impact the public health, safety, and welfare.
3. Following substitution of use:

## 17.59: Legally Existing Nonconformities

- a. If changed to a conforming use, a nonconforming use shall not be permitted nor conditionally permitted to be established; or
  - b. If a substituted use has been approved for the location, the standard of review for “same general character” shall be based on the most recent substituted use, not the original or any previous legally existing nonconforming land use.
- F. Accessory Uses.  
No accessory use to a primary nonconforming use may continue after the principal primary use ceases or terminates unless it is conforming.
- G. 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, including and not limited to, any combination of appropriate license, permits, or fees (see definition for Nonconforming Use §17.62).

**§17.59.060. Nonconforming Structures**

Nonconforming structures are subject to the following standards.

- A. Enlargement.  
Expansion or enlargement of a nonconforming structure 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.
- 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 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. Damage or Destruction.  
In the event that any nonconforming structure is damaged or destroyed through actions other than neglect or intentional demolition, it may be restored provided a building permit is obtained within 12 months of the date of damage occurrence. Restoration shall be started immediately following the issuance of a building permit and diligently pursued in accordance with the terms of the building permit.
- D. 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.
- E. Illegal Structures.  
No structure may be considered a legally existing nonconforming structure under the provisions of this chapter if the structure was never lawfully established.

**§17.59.070. 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.

## 17.59: Legally Existing Nonconformities

- A. Undeveloped Lots.  
If a legally existing nonconforming lot is undeveloped, then the owner may use the property as permitted by the applicable zoning district, provided that any structures shall comply with applicable site development standards of this Title.
- B. Developed Lots.  
If a legally existing nonconforming lot is developed, then the owner may use the property as permitted by the applicable zoning district, provided that any additional structures or development shall comply with applicable site development standards of this Title.
- 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.

**§17.59.080. Nonconforming Signs**

- A. Change of Copy.  
Change of copy, or the substitution of panels or faces of the same or less square feet on nonconforming signs, shall be permitted in accordance with Chapter 17.40.070. 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 17.40.
- 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 17.40.
- D. Abandoned Signs.  
Any nonconforming sign that ceases being used for a continuous period of 90 days, shall not be reused for sign purposes 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 that ceases operation 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.

## 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.

## 17.60: Administrative Enforcement

- 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 and submitted to the Director.
- C. As soon as practicable after receiving the written notice of the request for an administrative enforcement hearing, 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.

**§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 as soon as practicable prior to its 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.

## 17.60: Administrative Enforcement

- 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 one (1) day 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.
- 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.

## 17.60: Administrative Enforcement

- 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 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 thirty dollars (\$30) 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 kennels, or 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 fifty dollars (\$50) 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.

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## 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 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 sale, lease or personal use, 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.

**“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 actually or potentially obstructs the airspace required for safe flight of air craft 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.

**“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

**“Antique Shop”** means a retail establishments engaged in the selling or rental of antiquated goods or merchandise.

**“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.

**“Art Supply Store”** means a retail or wholesale establishments engaged in the selling or rental of art supplies

**“Back-Out Parking”** means a parking configuration that requires vehicles to maneuver directly from the parking space onto a public street without a driveway.

“**Bakery**” means an establishment where products such as bread, cake, and pastries are baked or sold.

“**Barber or Beauty Shop**” means an establishment providing cosmetic treatment services for men and women. Other variations of this type of business include hair salons and spas.

“**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 overnight accommodations of ten or fewer rooms that may also serve one or more meals limited to registered guests.

“**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.

“**Brew Restaurant**” means a business licensed to sell beer for on-premises consumption in connection with a bona fide restaurant where the revenue from the sale of beer is less than 50 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of DABC.

“**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 §17.31.010.

“**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.

“**Cable Television Facilities**” means any cable television head end or hub towers and antennas used solely for cable television services.

“**Camera Shop**” means a retail or wholesale business engaged in selling or renting photography products.

“**Carpet Sales (Retail and Wholesale)**” means a business selling and/or installing carpet and carpet supplies at a retail or wholesale value. The carpets have been manufactured at a different location than where they are sold.

“**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.

“**Clothing or Apparel Store**” means a retail or wholesale engaged in selling clothing apparel.

“**Clear Trunk**” means the distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

“**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”).

“**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 Market (no gasoline)**” means a retail establishment of up to 5,000 square feet selling primarily 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.

“**Convenience Market (gasoline)**” 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.

“**Copy Center**” means a facility established for the use of copying and/ or scanning devices, typically for profit.

“**Critical Lands**” means an area shown on the Official Critical Lands Map and classified under 17.31.040.

“**Dancehall or Nightclub**” means a business selling liquor and meals and in which music, dancing, or entertainment is conducted.

“**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”)

“**Department**” means the Department of Community Development. Other departments, divisions, or agencies are referenced by name.

“**Department or Discount Store**” means a single store, or group of stores, selling merchandise at lower-than-usual prices.

“**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.

**“Development Review Committee”** means the committee of members of the City staff and other agencies as invited or convened to review development proposals prior to permits being issued or reports being prepared for decision-making bodies.

**“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.

**“Dripline”** means the natural outside end of the branches of a tree or shrub projected vertically to the ground.

**“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.

**“Dry Cleaner”** means a business of providing dry-cleaning services on the premises. Customers typically drop off their items to be dry-cleaned by the employees of the business.

**“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.

**“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.

**“Essential Views”** means the critical visual land forms, 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 one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants; or a number of unrelated adult persons, but not exceeding two and their children related by blood, adoption, or marriage, living and

cooking together as a single housekeeping unit, shall be deemed to constitute a family. Students who are visiting a family for the purpose of attending grades kindergarten through high school are considered temporary family members and therefore part of a family even though they may or may not be related by blood, adoption, or marriage. Students must be actively attending a school grade K-12 and living with a family related by blood, adoption, or marriage.

**“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.

**“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.

**“Florist Shop”** means an establishment providing the arrangement and sale of flowers and similar accessory products.

**“Furniture or Appliance Store”** means an establishment engaged in the selling of furniture and home-good appliances at retail price, open to the general public.

**“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.

**“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 Living”** includes the following:

- A. **“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.
- B. **“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.
- C. **“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.
- D. **“Other Types of Occupancy Where Care is Provided”** means any situation involving occupancy in a group home where medical, therapeutic, or other treatment is given on a regular basis.
- E. **“Other Types of Occupancy Where Care is not Provided”** means any situation involving occupancy in a group home where NO medical, therapeutic, or other treatment is given.
- F. **“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.

**“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.

**“Handicraft and Art Object Sales”** means an event for the display and sale of handmade goods and art pieces.

**“Hardware Store”** means an establishment in the business of selling metal goods and utensils such as locks, hinges, latches, handles, wire, plumbing supplies, tools, and cutlery

**“Hedge”** means a landscape barrier consisting of a continuous, dense planting of shrubs.

**“Height, Building”** means the height of building as calculated utilizing the current version of the International Building Code (See Figure 17.62.A). The height of a building containing a flat roof shall include parapet walls.

**“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.

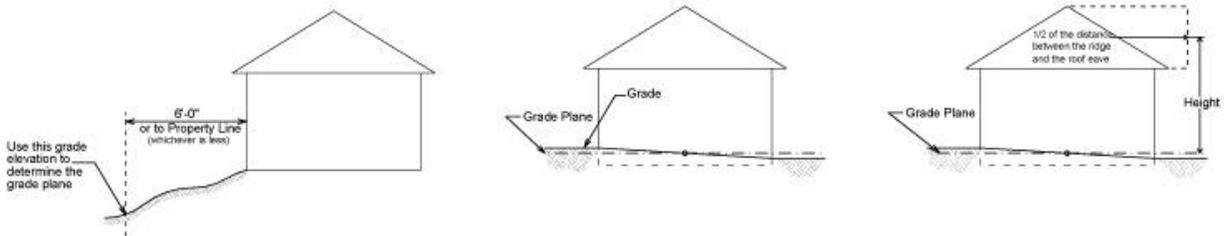
**“Height, Structure (other than building)”** means the vertical distance measured from “Average Finished Grade” to the highest point of the structure.

**“Historic Preservation Committee”** means the committee appointed by the Mayor for duties specified in Logan Municipal Code Chapter 2.32.

**“Hobby Shop”** means a place where recreational modeling and craft supplies are sold, in addition to collectibles, games, and other small items for the interest or activity to be not a main occupation

### Figure 17.62.A: Determining Building Height

To measure height, a "grade plane" must be established. A grade plane is established by determining the average grade between the highest and lowest natural grades, at a distance six (6) feet from the structure (or to the property line, whichever is less). Height is measured from the grade plane to a point 1/2 of the distance between the roof ridge and the roof eave (for sloped roofs).



**“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.

**“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.

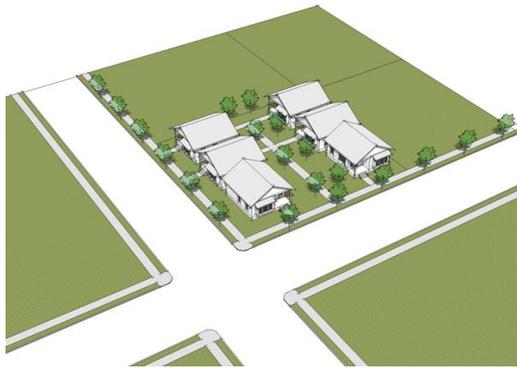
**“Household”** means a housekeeping unit living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**“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.



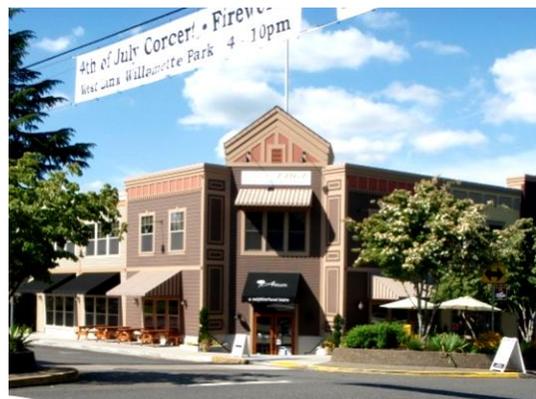
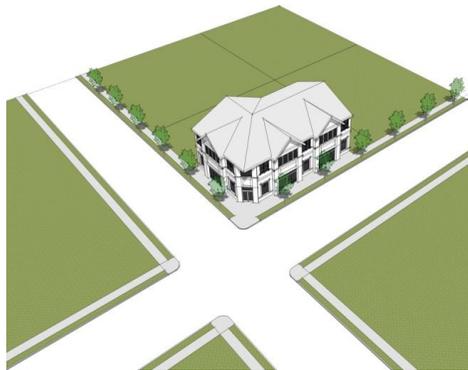
- G. **“Multi-Dwelling (attached)”** means a structure that contains two, three, or four dwelling units on one lot that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling, attached is also commonly known as 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.



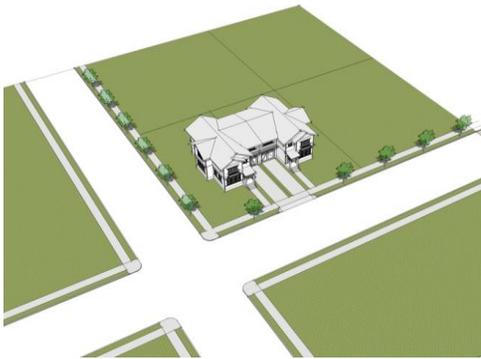
- I. **“Neighborhood Center”** means a building designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for dwelling units.



- 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. **“Twinhome”** means a structure that contains two dwelling units with common walls or abutting walls, each located on its own lot. Twinhomes are often created by subdividing a single duplex into two separate lots, each of which contains one dwelling unit. A Twinhome is an “Attached house.”



**“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.

**“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.

**“Land, Critical”** means any land that is mapped and 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.

**“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.

**“Laundromat”** means an establishment providing washing, drying, or dry-cleaning machines on the premises for a charged use to the general public.

“**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.

“**Liquor Store (Package)**” means a store that sells alcoholic beverages for off-site consumption.

“**Loading Area**” means the area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

“**Locksmith**” means a place where locks and keys are made or repaired.

“**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.

**“Medical Supplies”** means the business of selling or installing medical equipment.

**“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.

**“Music Store”** means retail establishments engaged in the selling or rental of music records and/ or supplies

**“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.

**“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.

**“Paint Sales”** means retail or wholesale establishments engaged in the selling or rental of paint supplies.

**“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.

- A. **“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 Shop”** means an establishment in the business of offering display and sales of small domesticated animals including dogs, cats, birds, reptiles, rodents or similarly sized animals for the purpose of being household pets.

**“Pharmacy or “Drug Store”** means a store where the primary business is the preparation and dispensing of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products may be sold as well.

**“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.

**“Plumbing Shop”** means an establishment in the business of offering sales and service of products relating to residential and commercial plumbing equipment.

**“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, Short-Term“** 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 seven days.
- C. **“RV Park, Long-Term”** 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 longer than seven days.
- D. **“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.
- E. **“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.
- F. **“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.

**“Recreational Sporting Goods Sales”** means an establishment providing sale, rental or repair of sporting goods and products for the purpose of outdoor/indoor recreation.

**“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 Facilities for people with disabilities”** means the City adopts the standards and definitions within the Utah Code.

**“Residential Programs for Drug & Alcohol Treatment”** 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 push cart 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.

**“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.

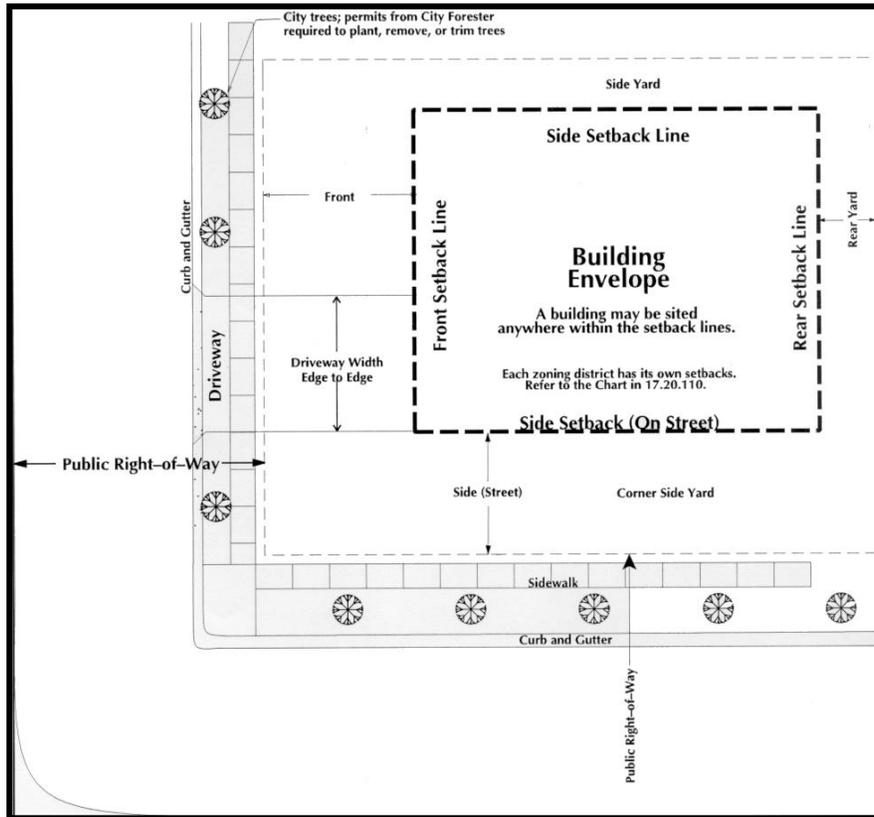
**“Shade tree”** means a hardwood tree that reaches a mature height of at least 15 feet at maturity, provides relief from direct sunlight and is included in the permitted species list.

**“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.

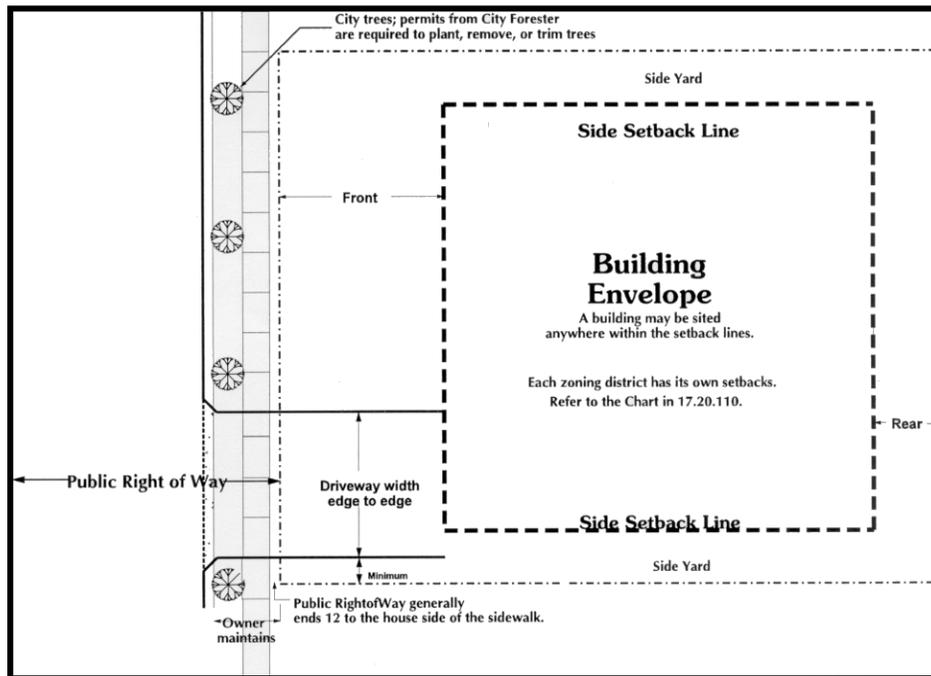
**“Shelter”** means a building serving as a residence for designated persons or special classes of persons such as an homeless shelter or a transitional shelter, or a building serving as a temporary refuge such as an emergency shelter.

**“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.

**Figure 17.62.B: Location of Building Setbacks on Corner Lots**

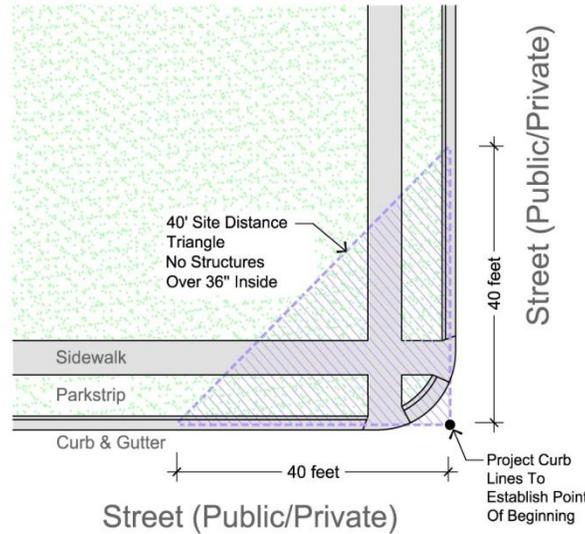


**Figure 17.62.C: Location of Building Setbacks and Examples, Traditionally Situated Lot**

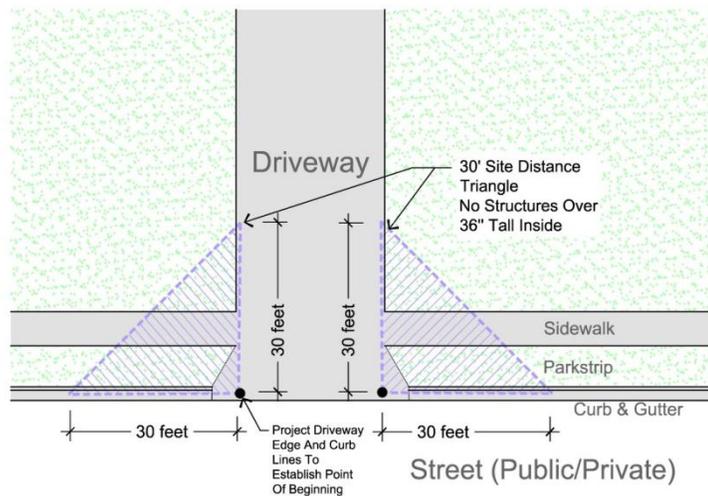


“**Sight Distance Triangle**” means the distance along public or private right-of-way as measured from the intersection of the curb (or where a curb would be located if there were a curb) to a distance along each street forty feet from the intersection as shown in Figure 17.62.D.1. A “Sight Distance 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.

“**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 §17.40).

“**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.

**“Stealth Telecommunications Facilities”** means antennas, antenna support structures and equipment facilities camouflaged or designed to blend with surrounding land uses, features, and architecture, thereby minimizing the aesthetic impact on adjacent uses, and concealing the intended use and appearance of the telecommunications facility.

**“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”** includes the following:

- A. **“Studio (Health, Exercise, Massage, Reducing or Similar Service)”** means an establishment providing space for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers.
- B. **“Studio (Photographer, Artist, Music, Dance, and Drama)”** means the workshop of an artist, sculptor, photographer, or craftsperson.

**“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:

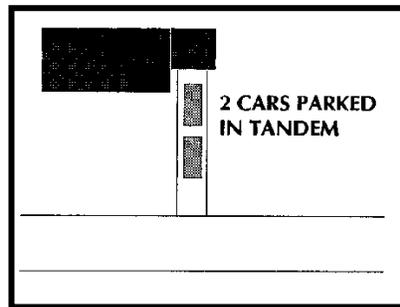
- A. Subdivision Includes:
  - 1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; or
  - 2. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, 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.
- C. **“Simple Subdivision”** means “subdivision”.

- D. **“Major Subdivision”** means “subdivision”.
- E. **“Minor Subdivision”** means “subdivision”.
- F. **“Lot Split”** means subdivision.
- G. 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.

**Figure 17.62.E: Tandem Parking**



**“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.

**“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.

**“Tennis or Swim Club”** means a facility which requires a membership or fee to enter the premises, primarily for the game of tennis or swimming, and other ancillary activities or services

**“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.

**“Townhome”** means a dwelling unit that is attached to an adjoining dwelling unit, in which the ground and building are owned in fee title.

**“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.

“**Twin Home**” means a residence consisting of two attached units that are individually owned and occupied.

“**Useable Outdoor Space**” means land areas within a lot or parcel that are used in conjunction with a primary use designed and intended for the use or enjoyment of the residents and their guests of the development, and shall include improvements as necessary and appropriate for use as useable outdoor space. Open space may include accessory structures that enhance its use and enjoyment. Useable outdoor space shall be generally landscaped and may include patios, decks, shade structures, play equipment, play courts, walkways, and landscaped plazas. Useable outdoor space shall not include required parking areas and/or driveways. Stormwater facilities qualify as useable outdoor space if the physical characteristics are functional as useable areas for the intended purpose of useable outdoor space.

“**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 feet 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.

**“Vehicle 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.

**“Vehicle 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.

**“Vehicle 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.

**“Vehicle 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.

**“Vehicle 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.

**“Vehicle 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.

**“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.

**“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.

**“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 cause by combustion of native vegetation, commonly referred to as forest fire or brush fire.

**“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.

**“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.