CITY OF LOGAN
State of Utah

ORDINANCE No. 98-58

An ordinance amending Title 17 of the Logan Municipal Code repealing Chapters 17.12 Hazard Zones, 17.16 Special Review, §17.08.050(146) and (147), 17.08.060(33), 17.08.0065; enacting Combining Zones: Chapter 17.21 Combining Districts Established, Chapter 17.22 Airport Limitation, Chapter 17.23 Aquifer Protection, Chapter 17.24 Historic District, Chapter 17.25 Flood Hazard, Chapter 17.26 Planned Development, Chapter 17.27 Recycling Market Development Zone; Chapter 17.28 Sensitive Lands, Chapter 17.29 Utah State University, Chapter 17.30 No Further Subdivision, Chapter 17.31 Density Limitation; and renumber Chapter 17.20 Area Regulations to Chapter 17.10.

The Municipal Council of the City of Logan does ordain as follows:

Section 1:

The Municipal Council finds and declares:

2. The new Land Development Code will incorporate combining zoning districts to enhance flexibility and development services.

Section 2:

The following chapters of Title 17 of the Logan Municipal Code, Zoning, are hereby repealed:

Chapter 17.12 Hazard Zones
Chapter 17.16 Special Review

Section 3:

The following sections of TITLE 17 of the Logan Municipal Code, Zoning are hereby repealed:

§17.08.050(146) and (147): Land uses subject to special review.

Land Use Description

| R1 | R1 A | R2 | R2 A | R2 B | R3 | R3 A | R4 | MH | C1 | C2 | C3 | C4 | M1 | A |
|----|------|----|------|------|----|------|----|----|----|----|----|----|----|
| AREA DEVELOPMENTS |
| 146. Cluster developments/inner |
| block developments |
| 147. Planned unit development |

(Area developments allowed in zones where noted; but review process in described in Sections 17-3-1 and 17-3-2, respectively)
§17.08.060(33): "Innerblock development" means residential development of three or more dwelling structures occurring in the interior of existing blocks:

17.08.065: "In-fill" multifamily residential proposals in existing R3 and R4 zones

Multifamily (three and above) residential projects occurring in developing areas and which are no closer than three hundred feet to the nearest less-intensive use (one-family dwelling) shall be permitted uses. Multifamily (three and above) residential projects located in existing neighborhoods immediately adjacent to single-family dwellings shall be allowed as special uses.

Section 4:

Chapter 17.20 of the Logan Municipal Code is hereby rechaptered as Chapter 17.10.

Section 5:

The following chapters are hereby added to Title 17 of the Logan Municipal Code, Zoning:

Chapter 17.21 Combining Districts Established
   Chapter 17.22 Airport Limitation
   Chapter 17.23 Aquifer Protection
   Chapter 17.24 Historic District
   Chapter 17.25 Flood Hazard
   Chapter 17.26 Planned Development
   Chapter 17.27 Recycling Market Development Zone
   Chapter 17.28 Sensitive Lands
   Chapter 17.29 Utah State University
   Chapter 17.30 No Further Subdivision
   Chapter 17.31 Density Limitation

the text of which is attached as Exhibit A.

Section 6:

Sections 17.57.060 through 17.57.100 are hereby added to Title 17 of the Logan Municipal Code, Zoning:

§17.57.060. Airport
"Airport" means the Logan–Cache County Airport or any land lawfully used for the landing and taking off of aircraft.

§17.57.070. Airport Board of Adjustment
"Airport Board of Adjustment" means the City of Logan Board of Adjustment performing the duties prescribed in Utah Code §2–4–5.

§17.57.080. Airport Hazard
"Airport hazard" means any structure or use of land which actually or potentially obstructs the airspace required for safe flight of aircraft in landing or taking off at an airport.

§17.57.090. Airport Hazard Area
"Airport hazard area" means any area of land upon which an airport hazard might be established.
§17.57.100. Airport Zoning Commission

"Airport zoning commission" means the City of Logan Planning Commission serving in the roles prescribed in Utah Code §2–4–5.

**Effective date**

This ordinance shall become effective upon publication in a newspaper of general circulation in the City of Logan.

PASSED BY THE CITY OF LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS NINETEENTH DAY OF AUGUST, 1998

Lois Price, City Recorder

**PRESENTATION TO MAYOR**

The foregoing ordinance was presented by the City of Logan Municipal Council to the Mayor for her approval or disapproval on the 19th day of August, 1998,

Karen Borg, Council Chair

**MAYOR'S APPROVAL OR DISAPPROVAL**

The foregoing ordinance is hereby Approved, this 29th of SEPT, 1998

Douglas E. Thompson, Mayor
Article IV: Combining Zoning Districts
Chapter 17.21: Combining Districts Established

§17.21.010. Combining districts established

There are established the following combining zoning districts for application with base zoning districts:

A. AL, Airport Limitation combining zoning district
B. AP, Aquifer Protection combining zoning district
C. HD, Historic district combining zoning district
D. FH, Flood Hazard combining zoning district
E. PD, Planned Development combining zoning district
F. SL, Sensitive Lands combining zoning district
G. USU, Utah State University property combining zoning district
H. X, Existing lot size combining zoning district
I. Density limitation combining zoning district
J. RM, Recycling Marked Development combining zoning district

§17.21.020. Use of combining districts

A. Nomenclature

A combining district classification is appended to a base zoning district so that the lands are classified as Base Zoning District–Combining District. As an example, property in the Single Family Traditional–Historic District zoning district (SFT–HD).

B. Multiple combining districts

Property within the City may be included in more than one combining district. For example, a property may be within both the Historic District and a Flood Plain. In this case, the property would be enumerated as SFR–HD–FH. As another example, property within a Planned Development with a six thousand square foot per unit density would be shown as SFR–6000–PD. Property may be included within any combination of combining districts.
Chapter 17.22: Airport Limitation (AL) combining zoning district

§17.22.010. Purpose
The Airport Limitation Combining District is intended to establish standards assuring the long-range, safe and beneficial use of the Logan–Cache County Airport.

§17.22.020. Definitions
Definitions for this Chapter are contained within §§17.57.060 through 17.57.100.

§17.22.030. 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.

§17.22.040. Airport Board of Adjustment
A. Board established
1. The City of Logan Board of Adjustment 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 Board of Adjustment.
3. If the Board of Adjustment is empowered in this Title to take actions that are duties of the Airport Board of Adjustment as prescribed in Utah law, the Board of Adjustment 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.
§17.22.050. Permitted Uses

A. Additional uses prescribed

In place of the uses identified as permitted uses in the base zoning district, the following uses shall be permitted in the AL combining zone following conformance to development standards and issuance of appropriate permits:

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; ministorage warehouse,
6. Classrooms related to Utah State University's aviation-related educational program.

All uses not prescribed in this section shall be conditional uses.

B. Special development standards apply

Development of permitted uses within the AL combining zone is also subject to the development standards and limitations for height and use as prescribed in this Title or as prescribed in State or Federal standards.

§17.22.060. Conditional Uses

All uses, not specified as permitted uses in this Chapter shall be conditional uses and a use permit pursuant to Chapter 17.44 shall be required.

§17.22.070. Airport Master Plan

All uses and regulations pertaining to the Airport Limitation Combining 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 as it pertains to airport land uses.

§17.22.080. Regulations

A. Conforming uses only

All uses in the AL combining zone shall be subject to the regulations of this Chapter and prescribed development standards within the Airport Master Plan.

B. Creation of airport hazards prohibited.

No variance, permit, or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.

C. Use and operational limitations within the AL combining zone

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.

4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.

D. Height limitation

No structure may be at a height that creates or tends to create an airport hazard.

§17.22.090. 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.
Figure 17-1: Airport Limitation zoning classifications and boundaries
Chapter 17.23: Aquifer/wellhead Protection (AP) Combining District

§17.23.010. Purpose

The Aquifer/Wellhead Protection (AP) combining district is intended to provide additional development standards to protect the health, safety, and welfare of the citizens and businesses of Logan through increased water quality protection.

§17.23.020. Introduction

In accordance with Utah State Regulations R309-113 the following areas have been delineated to protect the City's drinking water supply at all wells:

A. Accident Prevention Zone. This is the zone within a 100-foot radius of the wellhead

B. Attenuation Zone. This is an area in which the use and spread of pathogens and hazardous materials must be reduced so as to reduce the potential of these contaminants reaching the wellhead or contaminating the aquifer. All areas in the City limits are in the Attenuation Zone

§17.23.030. Accident prevention zone

A. No potential contaminants within 100 feet of a City well

There shall be no potential contaminants or activities within a 100-foot radius of each well within the City that may potentially cause contamination to the well. The following are expressly prohibited within the accident prevention zone.

1. Herbicides and pesticides.
2. Fertilizers both commercial and organic.
3. Erosion either within the zone or passing through the zone.
4. Building except those building built expressly for the operation of the well.
5. Construction of public utilities or easements for the construction of public utilities.

B. Existing well contamination sources

Existing wells have potential contamination sources within the Accident Prevention Zone. To the extent possible extra care shall be taken to avoid contamination from these sources and to remove these pollution sources where feasible.
§17.23.040. Attenuation Zone

A. Practices prohibited within the attenuation zone

All potential pollutants within this zone must be reduced to levels below maximum contaminant levels before the contaminants reach the groundwater. The following practices are expressly prohibited in the Attenuation Zone:

1. Using herbicides and pesticides in excess of the manufacturer's recommendations;
2. Application of fertilizers in excess of the manufacturer's recommendations or in excess of the nutrient level need for the plant fertilized for the average growing season;
3. Disposal of hazardous waste directly on the ground;
4. Septic tanks;
5. Improper or unregulated underground storage;
6. Class V underground injection wells;
7. Manure piles;
8. Uncontrolled salt piles;
9. Privies;
10. Animal feeding operations that do not contain the waste for more than ten animals.
Chapter 17.24: Historic (HD) District Combining zoning district

§17.24.010. The Historic District combining district, purpose.
The Historic District (HD) combining district is intended to identify those properties in the city which are included within the defined boundaries of the Center Street National Historic District. District boundaries are shown in Figure 17-2.

A. Procedure.
The Historic Preservation Committee may initiate a survey to include outlying areas of the District in order to determine the appropriateness of modifying the District boundaries. The results of the survey for the outlying area(s) as well as the proposed boundaries shall be submitted to the State Historic Preservation Office and the National Trust for Historic Preservation for review and recommendation.

B. Adoption.
The Municipal Council may modify District boundaries upon presentation of the results of the survey and any comments from Historic Preservation Committee, the State Historic Preservation Office and the National Trust for Historic Preservation. 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 Center Street National Historic District. The Council shall enact changes in boundaries by ordinance.

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 and the National Trust for Historic Preservation.

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 or the National Trust of Historic Preservation and therefore threaten the overall integrity of the District.

3. Non-contiguous districts may be created if it is found that an area outside of and not neighboring to the current District has a concentration of contributory historic structures or sites and a recommendation for creation is received from the Historic Preservation Committee, the State Historic Preservation Office and the National Trust for Historic Preservation.
§17.24.030. Recognition of Individual Structures/Sites outside of the Historic District

Individual structures and sites outside of the 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 17-2: Center Street Historic District

§17.24.040. Conditional uses in the SFT-HD zoning district

A. Findings.

1. The Municipal Council finds and declares:

a. The allowance of certain business uses within the residential portion of the Center Street National Historic District (listed on National Register of Historic Places, April 26, 1979) will provide opportunities for supplemental income and other revenue-generating use of historic properties by owner-residents to aid in maintaining and preserving historic structures.

b. The size of lots and houses within the residential portion of the Center Street National Historic District warrant discretionary consideration for home-based businesses that will attract visitors to the area and maintain neighborhood compatibility.
B. Conditionally permitted uses.
The following uses shall be allowed in the portions of the HD combining district within Residential zoning districts if reviewed and approved in accordance with the conditional use permit procedure of Chapter 17.44.
1. Antique or collectible shop,
2. Retail boutique shop, florist shop, photography or art studio, decorator studio,
3. Bed and breakfast inn, maximum five guest rooms.

§17.24.050. General criteria and standards
A. Procedure.
Applicants seeking conditional use permit shall follow application procedures outlined in Chapter 17.44.
B. Standards for review.
In addition to the findings required in Chapter 17.44, applications for conditional use permits within the Residential Areas of the Historic District (refer to Figure 17-2), the Planning Commission shall be required to substantiate the following additional findings:
1. The conditional use permit complies with all requirements imposed by this title;
2. The Commission has solicited the recommendations of the Historic Preservation Committee and considered inclusion of those recommendations that have a reasonable relationship to the scope of the project;
3. The project is consistent with the goals, policies, and implementation programs of the General Plan;
4. The project is designed to be compatible with surrounding land uses;
5. The conditional use is limited to activities that promote the use, preservation and enhancement of structures listed as landmark, and contributory by the National Register of Historic Places or by the State of Utah;
6. The proposed use is compatible with the structure and the overall project setting;
7. The owner of the subject property or a resident family member is also the owner of the business;
8. The proposed use is to be operated solely by the property owner of the structure.
C. Standard conditions and requirements.
1. In the Residential areas of the Historic District, the conditional uses shall be conducted entirely within the dwelling and carried on only by the property owner or resident family member;
2. The use, except for a bed and breakfast inn, shall be clearly incidental and secondary to the primary residential use and character of the dwelling;
3. The maximum area dedicated to business uses, except for a bed and breakfast inn, shall be 250 square feet;

4. The Planning Commission may impose conditions concerning the to ensure compliance with criteria in this chapter:
   a. Building size and location of site;
   b. Access to adjoining streets;
   c. Location and amount of parking;
   d. Fencing, screening and landscape separations;
   e. Usable open spaces, sidewalk, curb and gutter condition;
   f. Lighting;
   g. Setback, yard and area requirements.

5. Continuity with adjoining residential development shall also be a consideration in terms of changes to the exterior of the proposed project. Consideration shall be given to maintaining complementary bulk, height, massing, and style to ensure that the project for which the conditional use is approved does not overpower the other buildings in the area.

§17.24.060. Design review within the HD combining zoning district.

A. New construction
   1. New construction within the HD combining district shall be subject to obtaining a design review permit prior to the issuance of a building permit.
   2. Prior to the design review hearing, the project shall be presented to the Historic Preservation Committee for its recommendation.
   3. New construction is subject to all requirements of the Uniform Building Code, Public Works Standards and Specifications, and development requirements of other appropriate departments.

B. Remodeling, renovation, restoration.
   1. Interior changes are not subject to design review;
   2. Exterior changes:
      a. If the structure is a “landmark” historic structure, the exterior changes shall be presented to the Historic Preservation Committee for its Certificate of Appropriateness.
      b. If the structure is “contributory,” routine maintenance and upkeep, repainting or replacing roofing, shutters, trim, or similar decorative items with similar or like materials shall not require presentation to the Historic Preservation Committee under the procedures in §17.24.070B1.
      c. If the structure is “contributory” or “non-contributory” and the changes involve additions, renovation, exterior remodeling, or major changes in color, material, texture, or size, the project shall be presented to the Historic Preservation Committee for a Certificate of Appropriateness prior to the issuance of a building permit or commencement of work, if no permit is required.
§17.24.070. Certificate of Appropriateness

A. Required.

No alteration in the exterior appearance of a structure, site or streetscape affecting a property or properties within the HD Combining Zone shall be made or permitted to be made without the issuance of a Certificate of Appropriateness by the Historic Preservation Committee or Director as applicable pursuant to Section 17.24.070B. Certificates of Appropriateness shall be required for:

1. New construction;
2. Any demolition;
3. Any exterior construction needing 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;
8. Exterior masonry work including, and not limited to, sandblasting and chemical cleaning;
9. Installation of new siding and roof materials;
10. Alteration of streetscape features including, and not limited to, curb, gutter and canals;
11. Installation or alteration of any exterior sign; and
12. Construction or alterations of site features including, and not limited to, fences and retaining walls;

B. Procedure.

1. The following applications shall be reviewed administratively using the Logan’s Historic Design Guidelines:
   a. Fences and retaining walls;
   b. Demolition of non-contributing structures;
   c. Demolition of accessory structures;
   d. Signs; and
   e. Maintenance and upkeep,

2. All other project shall be reviewed by the Historic Preservation Committee prior to the issuance of a Certificate of Appropriateness. An application for a Certificate of Appropriateness shall be made on the appropriate application and submitted to the Community Development Department. The Director shall determine the completeness of the application and if the project may be reviewed administratively.

3. All applications that cannot be decided upon at the administrative level shall be reviewed by the Historical Preservation Committee. The Committee may approve, conditionally approve or deny the application after reviewing all materials submitted, the recommendation of the
Department of Community Development and conducting a field inspection if necessary. Applications shall be reviewed to determine consistency with design standards provided in Logan’s Historic Design Guidelines and the Secretary of the Interior’s Standards for Rehabilitation. The Committee shall make written findings of all its decisions.

C. Application Materials.
In addition to the appropriate application form, the application shall include all documentation required by the Historic Preservation Committee.

D. Public Notice
Certificates of Appropriateness are processed under the provisions of Chapter 17.58 and the requirements of this Chapter. Applications for Certificates of Appropriateness, not decided administratively, are heard before the Historic Preservation Committee.

E. 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 Planning Commission within 15 days following the Committee’s decision.

§17.24.080. Standards for Certificate of Appropriateness

A. Adoption of Logan’s Historic Design Guidelines
Prior to the adoption of Logan’s Historic Design Guidelines, the Historic Preservation Committee shall utilize the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as standards for project review.

B. Review of Certificates of Appropriateness
In approving an application for a Certificate of Appropriateness, the Historic Preservation Committee shall find that the project substantially complies with standards outlines in Logan’s Historic Design Guidelines and the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, including the following standards:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired or restored rather than replaced. Where the severity of deterioration requires replacement of distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§17.24.090. Signs within the Historic District Combining Zone

A. Signs within residential areas of Historic District

Sign requirements for businesses in the Residential Areas of the Historic District are subject to the following standards and specifications and are not subject to the standards in Chapter 17.36, 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 Historic Preservation Committee, and shall not exceed two feet in sign area.

3. Signs may be illuminated by a single external incandescent or halogen light mounted in the ground. The light shall be shielded so that no glare or spotting is detectable from adjoining property or the street.

B. Signs within commercial areas of Historic District

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 of site or structure are subject to the standards to be identified in Logan’s Historic Design Guidelines and are not subject to the standards in Chapter 17.36, Signs.
Chapter 17.25: Flood Hazard (FH) Combining zoning district

§17.25.010. Purpose.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§17.25.020. Methods of reducing flood losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in increased erosion or in flood heights or velocities;

B. Requiring the uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling, filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

§17.25.030. Definitions

In conformance with the requirements of the Federal Emergency Management Agency (FEMA), definitions are set forth in §§17.57.530 through 17.57.690, which expressly apply to the provisions of this chapter. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have as defined first, in this Title, and second, as defined in common usage, and to give this chapter its most reasonable application.
§17.25.040. Lands to Which This Chapter Applies

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

§17.25.050. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in scientific and engineering report entitled "The Flood Insurance Study for the City of Logan," dated March 30, 1983, with an accompanying Flood Insurance Rate Map is adopted by reference and declared to be a part of this chapter.

§17.25.060. Compliance

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with terms of this chapter and other applicable regulations.

§17.25.070. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this chapter and another ordinance, easement covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§17.25.080. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:
A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body;
C. Deemed neither to limit nor repeal any other powers granted under state statutes.
D. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may increased by manmade or natural causes.

This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§17.25.090. Establishment of development permit

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section
17.112.070 (B). Application for a development permit shall be made on forms furnished by the city engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required;

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
B. Elevation in relation to mean sea level to which any structure has been floodproofed;
C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.19.140 (B); and
D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§17.25.100. City engineer—Appointment

The city engineer is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§17.25.110. City engineer—Duties

Duties of the city engineer shall include, but not limited to:

A. Permit Review.
   1. The City Engineer shall review all development permits to determine that the permit requirements of this chapter have been satisfied;
   2. Review all development permits to determine that all necessary permits have been obtained from agencies from which prior approval is required;
   3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that encroachment provisions of Section 17.19.150 (A) are met.

B. Use of Other Base Flood Data.
   When base flood elevation data has not been provided in accordance with Section 17.19.070 (B), the city engineer shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 17.19.140 (A) and (B).

C. Information to be Obtained and Maintained.
   1. Obtain from builder's/owner's engineer and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new substantially improved structures;
   2. For all new or substantially improved floodproofed structures:
      a. Verify and record the actual elevation as provided (in relation to mean sea level),
b. Maintain the floodproofing certifications required in Section 17.19.080 (C);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.
1. Notify adjacent communities, and the state Office of Emergency Management prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency,
2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries.
Make interpretations, where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.19.110.

§17.25.120. Variances—Procedure in relation to the FH combining district

A. Application for a hearing.
The Board of Adjustment shall hear and decide appeals and requests for variance from the requirements of this chapter. It shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city engineer or any administrative officer in the enforcement or administration of this chapter. Any aggrieved party who has participated in the administrative process required within this chapter may have standing to appeal. The procedures shall be as defined for the Board of Adjustment in Chapter 17.48.

B. Findings
In addition to the requirements for variances established in Chapter 17.48, the board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and shall substantiate the following findings:
1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.

C. Conditions.
Upon consideration of the above factors and the purpose of this chapter, the Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of the chapter.

D. General standards and considerations.
1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing the provisions of this Chapter have been fully considered.
2. Variances may issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship as defined in Chapter 17.48 to the applicant; and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Certificate of approval.
Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation
below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§17.25.130. Provisions for flood hazard reduction

In all flood hazard zoning districts the following standards are required:

A. Anchoring.

B. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

C. All manufactured homes to be placed in Zone "A" shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred feet;

4. Any additions to the manufactured home be similarly anchored; and

5. The manufactured home shall be elevated above the base flood level and anchored to the elevated foundation.

§17.25.140. Construction Materials and Methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall either be certified by registered professional engineer or architect or shall meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louveres, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
D. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Utilities.
1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§17.25.150. Subdivision Proposals.
A. All subdivision proposals shall be consistent with the need to minimize flood damage.
B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage,
C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
D. Base flood elevation data shall be provided by subdivider for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).

§17.25.160. Specific standards
In all areas of special flood hazard where base flood elevation data has been provided as set forth in Sections 17.19.070 (B) or 17.19.100 (B), the following provisions are required:
A. Residential Construction.
   New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
B. Nonresidential Construction.
   New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   1. Be floodproofed so that below the base flood level the structure is watertight with wall substantially impermeable to the passage of water;
   2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 17.19.100 (C)(1).

C. Manufactured Homes.
1. Manufactured homes shall be anchored in accordance with Section 17.19.130 (A)(2).
2. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvements of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision require that:
   a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;
   b. Adequate surface drainage and access for hauler are provided; and
   c. In the instance of elevation on pilings, that:
      (1) Lots are large enough to permit steps,
      (2) Piling foundations are placed in stable soil not more than ten feet apart as designed by P.E., and
      (3) Reinforcement is provided for pilings more than six feet above the ground level.
   d. No manufactured home shall be placed in floodway, except in an existing manufactured home park or existing manufactured home subdivision.

§17.25.170. Floodways

Located within areas of special flood hazard established in Section 17.19.070 (B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood level during the occurrence of the base flood discharge;
B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Chapter.
Chapter 17.26: Planned Development (PD) Combining District

§17.26.010. Purpose.

To implement development standards in the General Plan related to population density and building intensity, any development proposal may be submitted as a "planned development." Planned developments are reviewed as part of both the subdivision and design review process. A planned unit development is a subdivision. Once approved, the PD combining district is added to the base zoning district to identify the site of the planned development.


A. Minimum area.

The minimum area which may be considered for a planned unit development shall be one acre and six or more dwellings. The maximum density established in the General Plan shall not be exceeded. Only those uses specified as permitted or conditional in the base zoning district shall be permitted in a planned unit development.

B. Final plat required.

All planned unit developments shall require a preliminary and final plat map. Final plat maps shall require that there be surveying ties between the corners of each structure or lot within the PUD and the perimeter boundaries of the project.

C. Rezoning required.

All planned unit developments shall require a rezoning into the “Planned Development (PD)” combining district.

D. Planned developments are to be “intentional” projects

The purpose of a planned development is to encourage a project that is designed and intended to be a quality development with a comprehensive theme and character. A planned development is not intended to be a mechanism to bypass the subdivision process or to cure an illegal subdivision. The Planning Commission shall not approve planned developments that are created for purposes of bypassing the subdivision process if it finds that the project does not comply with the provisions of this Chapter or the General Plan.

§17.26.030. Standing to apply.

Any owner of real property proposing to create a subdivision as a planned unit development shall follow the procedures of this chapter. Any planned unit development shall be proposed with a preliminary major subdivision plat map. A subdivision of any lot created that results in the dedication of any public street or public place to the City shall follow these procedures as required by Utah Code §10-9-807.
§17.26.040. Planned Unit Development permits

All requests for planned unit development permits shall be required to obtain a preliminary plat approval in conformance with this Title prior to the issuance of any building or occupancy permits, business licenses, or other entitlements.

§17.26.050. Procedures, reports, and hearings

Planned unit development permits are processed under the provisions of Chapter 17.50 and the requirements of this Chapter. Applications for Planned Unit Development permits are heard before the Planning Commission with the recommendation of the Design Review Committee.


The Commission may approve or approve with conditions a planned unit development permit and preliminary plat upon substantiating the following findings:

A. The maximum density established has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.

B. The design review permit conforms to the requirements of Title 17 of the Logan Municipal Code as an identified conditional use.

C. The design 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 to the subject property have adequate capacities or a suitable level of service for the density of the project.

E. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications.

F. The proposed design results in adequate off-street parking in conformance with this Title.

G. Fencing, screening and landscape separation are proposed or required for purposes identified in the project report or adopted findings.

H. The project provides recreation areas, usable and passive open space, landscaping, and vegetation in conformance with the General Plan and this title.

I. Signs and lighting and situated and sized in accordance with City requirements and this Title.

J. The project conforms to perimeter setback, yard and area requirements.

K. The design of the project and its site conform to the adopted Design Review Guidelines, or prior to adoption once the Draft Guidelines have been presented to the public, the Committee may find that the proposed project design and site design are likely to be consistent with the Design Review Guidelines as represented by the Draft Guidelines.

A. Findings required.

No planned development application shall be approved unless the approving agency finds that the application:

1. Complies with all requirements imposed by this title and the conditions of the Planning Commission;
2. Is consistent with the objectives and purposes of this title and the General Plan;
3. Is consistent with the general design review policies adopted by the Municipal Council in the General Plan;
4. Will result in development of a project that will enhance or maintain neighborhood character.

B. Conditions and modifications.

In considering an application for planned development permit, the Planning Commission may impose modifications or conditions concerning development features to ensure conformance with the requirements of this section. Conditions may address, and are not limited to requirements that specify:

1. The size of the site and location of buildings, including consideration for all property owned by the proponent in the project vicinity whether or not proposed for current development;
2. A waiver or reduction in the setbacks or building siting requirements in order to accommodate increased open space or other amenities within common areas;
3. Approval of density transfer for purposes of permitting the number of units appropriate to the site without regard to a lot size;
4. A waiver of site development standards as may be necessary to accommodate a well-designed development;
5. Changes in the widths of onsite streets and roads within the project;
6. Additional requirements for the content of deed covenants, conditions, and restrictions.
7. The location, width, purpose, and site of ingress and egress to adjoining existing and public streets;
8. The location and amount of off-street parking, including visitors or special purpose parking;
9. The design, radii, rights-of-way, easements, and other features of the internal traffic circulation system;
10. Location, style, height, and materials for fencing, screening and landscaped separations;
11. The overall building bulk, number of units, width, height, length, and location;
12. The amount and location of usable open space, recreation areas, common areas, and other passive recreation areas;
13. The number, size, height, and location for signs and lighting;
14. Any other conditions found by the Commission to be rationally related to the site and its development;

C. Commission approval may not be changed without further hearing

No approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended by the Planning Commission.

D. Density shall not be increased.

No increase beyond the number of dwelling units specified in the zoning district in which the site exists, shall be allowed.
Chapter 17.27: Recycling Market Development (RM) Combining Zone (Reserved)

§17.27.010. Purpose.
The purpose of the Recycling Market Development Zone (RM) is to create a designation solely for the purpose of satisfying state statutes in Utah Code §9-2-1601 et seq. This zone does not convey any land use or development privileges, it does not establish any additional land uses within a base zoning district, and it does not override any other regulations or requirements of this Title.

§17.27.020. Recycling Market Development Zone Development Plan
A. Plan required
As required by Utah Code §9-2-1604, the Environmental Health Department shall prepare a Recycling Market Development Zone Development Plan. This Plan shall include all the components required by State law and shall not establish any zoning regulations or requirements that are contrary to the requirements of this Title.
B. Assessing plan effectiveness
The Environmental Health Department shall report on the effectiveness of the Plan July 1 of each calendar year.

§17.27.030. RM combining zone
All lands within the Industrial (IND) base zoning district shall also be included in the RM combining district. The RM district shall not be designated on the Official Zoning Map, and lands within the IND district need not be called out as being IND-RM. It is presumed that the RM combining district applies to all lands within the IND district.

§17.27.040. Statement of uses established
A. Permitted uses
As required by Utah Code §9-2-1604(d), within the RM combining zone, any business identified as a permitted use in the IND district may be established and produce end products that consist of not less than 50% recovered materials of which not less than 25% is post-consumer waste materials. At no time shall this section be construed to mean that any business identified as a permitted use within the IND district is required or mandated to produce end products that consist of not less than 50% recovered materials of which not less than 25% is post-consumer waste materials.
B. Conditionally permitted uses
Any business identified as a conditionally permitted use in the IND district may be established following issuance and a conditional use permit and
produce end products that consist of not less than 50% recovered materials of which not less than 25% is post-consumer waste materials. At no time shall this section be construed to mean that any business identified as a conditionally permitted use within the IND district is required or mandated to produce end products that consist of not less than 50% recovered materials of which not less than 25% is post-consumer waste materials.

§17.27.050. Local contributions

The following local contributions as required by Utah Code §9-2-1605 may be made available to businesses provided that such businesses meet the qualifying requirements of the Municipal Council Economic Development Policy in terms of revenue generation, job generation, and suitable employee compensation.

A. Guidance from the Department of Community Development for ensuring filing of complete applications to facilitate application processing;

B. Support by the Municipal Council for grant applications from the State and Federal Government provided that such grant applications. The Mayor may require the applicant to pay for the costs of preparing the grant application if it is to be prepared by the City;

C. If located within a Redevelopment Area and meeting appropriate economic development policy criteria, the Redevelopment Agency may consider approval of using tax increment revenues to cover the costs of building permits and utility connection fees;

D. If the business meets the appropriate economic development policy criteria, the Municipal Council or Redevelopment Agency may consider approval of requests to use tax increment revenues or other fund revenues to cover all or part of the costs of developing infrastructure;

E. The City shall encourage and support the use of private contributions;

F. If the business meets appropriate economic development or waste-stream diversion criteria, the Municipal Council may consider other incentives.

G. Nothing in this section shall be construed to waive, relax, or reduce the other requirements of this Title.

§17.27.060. Expiration date

This Chapter and the RM combining district shall expire five years from the effective date of the ordinance unless otherwise extended as provided in Utah Code §9-2-1608. If the State removes the designation pursuant to Utah Code §9-2-1609, this chapter shall be voided until repealed.
Chapter 17.28: Sensitive Lands (SL) Combining District

§17.28.010. Purpose.
The purpose of the SL Combining District is to identify lands within the City of Logan on which development may be constrained due to natural conditions that create natural hazards, and to protect the public health, safety, and welfare of the citizens of Logan, it is necessary to enact zoning regulations for management of development on sensitive lands.

To insure that proposed hillside developments shall reflect the best interests of Logan City, all grading or other improvement of any land, including, but not limited to, land in approved subdivisions or other development plans, shall conform to the development standards, guidelines, and criteria of this Chapter, the provisions of which are intended to minimize floods, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development, and to insure the efficient expenditure of public funds. The policies to be achieved by this Chapter shall include, but not be limited to, the following:

A. Encourage only minimal grading which relates to the natural contour of the land and which will round off, in a natural manner, sharp angles at the top and ends of cut and fill slopes, and which does not result in a "staircase" or "padding" effect.

B. Require retention of trees and other vegetation which stabilize steep hillsides, retain moisture, prevent erosion, enhance the natural scenic view, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillside.

C. Require immediate planting wherever appropriate to maintain necessary cut and fill slopes, to stabilize them with plant roots, to conceal the raw soil from view and to minimize erosion.

D. Preserve natural drainage channels.

E. Encourage retention of natural landmarks and prominent natural features, wildlife habitat, and open space.

F. Preserve and enhance the visual and environmental quality through the use of natural vegetation and prohibition of excessive excavation and terracing.

G. Protect the public from natural hazards of storm water run-off and erosion by requiring drainage facilities.

H. Minimize the threat of fire damage by establishing fire protection measures.

I. Establish land use management that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
§17.28.030. Actions Prohibited.
Notwithstanding any other provision of these Ordinances it shall be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:
A. a high water table (water close to the surface);
B. surface water;
C. expansive soils;
D. collapsible soils;
E. proximity to a potential landslide area;
F. proximity to a secondary fault;
G. proximity to an alluvial fan;
H. proximity to an active landslide;
I. proximity to a primary Wasatch Fault zone;
J. steep slopes; or
K. any other unsafe condition.

§17.28.040. Procedure to develop Real Property.
A. Letter report or geologic report required prior to building permit
Prior to any action to develop, grade, fill, excavate any land, or to erect any structure without obtaining acknowledgment from the City Engineer that any report or geologic report required by this Chapter has been received and meets the requirements of Sections **17.24.070 or **17.24.080.
B. Compliance with approved report.
Except as provided in Section 17.24.100, all grading, filling, excavating land, or erecting a structure shall be undertaken in conformance with the procedures and plans as described in the letter report or geologic report which has been acknowledged by the City Engineer.
C. Compliance with applicable Logan Municipal Code provisions required.
In addition to the provisions of this Chapter, all grading, filling, excavation of land, or erection of any structure shall comply with all other applicable provisions of the Logan Municipal Code.
D. City Engineer approval required for public facilities and infrastructure.
Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other improvements which are intended to be placed in public ownership shall be subject to the approval of the City Engineer.
§17.28.050. Preliminary Determination by City Engineer.
All proposals to grade, fill, or excavate land or erect a structure on lands within the SL combining zone shall be referred to the City Engineer. The City Engineer shall make a preliminary finding as to whether any of the hazards subject to this Chapter exist on the subject property. If such a finding is made by the City Engineer, a report prepared by an appropriate professional licensed to practice in the State of Utah shall be required.

A. Letter report required.
Except as otherwise provided in Subsection (3), if the City Engineer determines in the manner described in Section 17.24.050 that no unsafe physical condition described in Section 17.24.020 appears to exist in relation to the subject property, the proposal with respect to which the subject property is associated may proceed, as proposed, subject to the other requirements of the Logan Municipal Code.

§17.28.070. City Engineering determination.
If the City Engineer determines in the manner described in Section 17.24.050, that an unsafe physical condition described in Section 17.24.020 appears to exist in relation to the subject property, the applicant shall submit a geologic report and otherwise comply with the remainder of the Chapter.

§17.28.080. Letter report required to resolve issues.
With respect to any proposal not requiring a geologic report, the City Engineer may require the applicant to submit a letter report to resolve issues with respect to the condition of the subject property. A letter report may be required even if the maps and materials maintained in the office of the City Engineer do not show any of the unsafe conditions described in Section 17.24.020. The City Engineer may withhold the determination described in Section 17.24.050. until he has received the letter report, and based on information in the letter report, the City Engineer may, for good cause, require the submission of a geologic report.

A. "Letter Report" defined.
"Letter report" means a simplified geologic report used in relation to areas of relatively stable soil and rock.
B. Minimum contents of a letter report.
The required letter report shall contain not less than the following:
1. An analytical geologic description of the subject property in relation to the development which is proposed thereon, and in relation to adjoining property;
2. A description of any requirements or restrictions which should be imposed on the proposal to avoid violation of the provisions of Section 17.24.020;

3. A geologic sketch map and/or a geologic structure section diagram, if relationships are complex and difficult to describe in writing; and

4. The original signature and the registration number of the responsible engineering Geologist or Geotechnical Engineer, and a statement of the methods of study and approximate amount of field time spent by said geologist or engineer in the preparation of the subject letter report.

5. The letter report shall include such other information as the City Engineer shall reasonably require.

§17.28.100. Geologic Report—Contents.

A. Maps required.

A geologic report shall include maps and a report containing not less than the following information:

1. The maps shall include:
   a. The site location and regional setting of the subject property.
   b. A geologic map which illustrates actual or potential landslides, fault zones, shallow water tables, expansive or collapsible soils, debris flows, flood areas, and any other pertinent natural or artificial features that might influence the stability of the subject property or adjacent property.
   c. Actual or probable surface and subsurface relations shall be shown with those relations that are conjectural being clearly labeled as such.
   d. The proposed grading, filling excavation, or structure to be erected shall be shown in relation to the geologic features described above.
   e. Any corrective or remedial action necessary to avoid a violation of Section 17.24.020 shall be shown and shall be clearly identified as such.

2. The map shall use a scale of one (1) inch equaling one hundred (100) feet, with contour lines at five (5) foot intervals. Existing contours shall be shown by dashed lines and proposed contours shall be shown by as solid lines. Boring logs, cross-sections, test trench logs, soil sample descriptions, and test results shall be included.

3. The City Engineer may require additional maps or additional detail on existing maps as reasonably necessary to evaluate actual or potential geologic hazards.

B. Report contents.

1. A description of the proposed grading, filling, excavation, or structure;
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2. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps;

3. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation;

4. Any corrective or remedial action necessary to avoid a violation of Section 17.24.020 shall be described and analyzed in detail;

5. A list, including title, author and date, of all prior studies or reports which are relied upon to make this report; and

6. The City Engineer may require additional information or analysis, which are reasonably necessary to evaluate actual or potential geologic hazards.

C. Geologic reports for steeply sloping lands (greater than 25% slope).

If the geologic report (maps and report) relates to land having an average slope that exceeds twenty-five (25) percent, the development proposal described in the geologic report shall conform to the provisions of section 17.24.150.

D. Situations for waiver of geologic report

In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to erect a structure for human habitation, the City Engineer may waive compliance with any requirement of this Section not relevant to the proposed grading, filling, or excavating.

§17.28.110. Engineer/Geologist Qualifications and Certificate.

A. Qualified professional required to prepare letter report or report.

A letter report (described in Section 17.24.070) or a geologic report (described in Section 17.24.080) shall be approved and signed by one of the following:

1. A Geotechnical Engineer who shall be a registered professional engineer in the State of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development; or

2. An engineering geologist who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology.

B. Certificate.

A letter report or a geologic report shall contain the following certificate:

CERTIFICATE

I hereby certify that I am a Geotechnical Engineer or an engineering geologist, as those terms are defined in Section
17.24.090 of the Ordinances of Logan City. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein is, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

Signature

License Number and date signed

§17.28.120. Post construction Inspection and Certification.

For any real property with respect to which development has proceeded on the basis of a letter report or a geologic report which has been acknowledged by the City Engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved the letter report or geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said letter or report. Provided, however, that improvements and structures may, with the consent of the City Engineer, deviate from the descriptions and requirements contained in the letter report or geologic report because of conditions which are discovered after acknowledgment by the City Engineer of the letter report or geologic report.

§17.28.130. Restrictive Covenant Required.

A. Contents of restrictive covenant.

If a letter report or a geologic report has been submitted to the City Engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property has signed and delivered to Logan City a restrictive covenant in a form suitable for recording containing not less than the following:

1. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;
2. description of the grading, filling, or excavation or erection of a structure for human habitation approved in the letter report or geologic report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon;
3. A covenant and agreement enforceable by Logan City, adjoining landowners, and any subsequent owner of the subject real property that only the grading, filling, or excavation or erection of a structure in the acknowledged letter report or geologic report will be constructed
or maintained without further compliance with this Chapter, as it may
be amended from time to time.

B. Covenant to be recorded prior to development commencing onsite.
No development shall occur until the covenant has been recorded and a
copy of the recorded instrument is submitted with the building permit
application. If no building permit is required, a copy of the recorded
instrument shall be submitted to the Chief Building Official prior to the
commencement of any site activities.

§17.28.140. Civil and Criminal Fraud.
It shall be unlawful for any person, including the seller or his representa-
tive, directly or indirectly in connection with the sale or offering for sale of
real property located in Logan City, to make any untrue statement of a
material fact related to the geologic condition of the subject property. This
Section shall be construed to create private and public civil causes of
action in addition to creating criminal liability.

§17.28.150. Hillside Development Standards.
A. Grading.
1. No grading, filling, or excavation of any kind shall be accomplished
without first having obtained a grading permit from the City Engineer
based on the provisions of this subsection (1).
2. Land having an average slope of greater than twenty-five (25) percent
shall be deemed to be land having a "steep slope" within the meaning
of Section 17.24.0200). Any person proposing to grade, excavate, fill, or
to erect any structure on such land shall submit a Geologic Report as
though the same were required by the City Engineer the same were
required by the City Engineer pursuant to Section 17.24.060(2). This
Subsection shall not apply if a Geologic Report (as required by
Chapter 17.23) relating to the subject property has, at an earlier date,
been acknowledged by the City Engineer.
3. No grading, filling, or excavation of land or the erection of a structure
shall be permitted on land having an average slope in excess of twenty-five (25) percent except in compliance with the provisions of
Section 17.24.150.
4. A rough street and site grading shall be completed prior to the
installation of utilities.
5. Fills shall be compacted to a least ninety-five (95) percent of AASHTO
(American Association of State Highway Transportation Officials) TI 80
density for those areas intended as structural foundations, including
roadways.
6. Borrowing for fill shall be prohibited unless the material is obtained
from a cut permitted under an approved grading plan obtained for
some purpose other than to produce fill material or imported from outside the hillside area of Logan City.

7. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.

8. Sections 7009, 7010, 7011, 7012, and 7013 of the Uniform Building Code shall be complied with, except that decisions described therein to be made by the "building official" may also be made by the City Engineer. (The Uniform Building Code is adopted in Section 10. Drainage.

1. Required storm water run-off collection facilities shall be designed so as to retain storm water run-off on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water run-off flow periods.

2. Required storm water run-off collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of fill. French drains are not acceptable.

3. Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing on the roadways.

4. Natural drainage shall be repaired or otherwise stabilized to the satisfaction of the City Engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

5. Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels. (1) Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

C. Vegetation and Revegetation.

1. Every effort shall be made to conserve topsoil, which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.

2. Areas not contained within lot boundaries shall be protected with adapted, fire-resistant species of perennial vegetal cover after all construction is completed. A list of acceptable species is available from the Planning Commission.

3. New Planting shall be protected with organic cover.

4. All disturbed soil surfaces shall be stabilized before final acceptance of the subdivision by the City.

5. In all areas under the ownership and control of the subdivider, he shall be fully responsible for any destruction of native vegetation, which is
required to destruction of native vegetation, which is required to be retained. He shall carry the responsibility for such areas both for his own employees and for all subcontractors from the first day of construction until final acceptance of the subdivision by the City. The subdivider shall be responsible for replacing such destroyed vegetation.

6. At the termination of the warranty period, any dead plant materials required to be installed by the subdivider shall be replaced and a new bond issued to assure establishment of the replaced materials.

D. Fire Protection.

1. Lot size and potential placement of buildings thereon shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.

2. All easements for firebreaks for safety of built-up areas shall encompass access for fire-fighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded.

3. The inability to provide fire line water pressure consistent with the standards set by the Insurance Service Organization shall be justification for denial of a subdivision request.

E. Streets.

1. Street alignments, where possible, should be parallel to contours, in valleys or on ridges. If a location between a valley and a ridge is unavoidable, directional pavements should be split, with the principle of grading being half-cut and half-fill versus all fill or all cut. Split streets may provided by the subdivider according to the following schedule:
   a. One lane in each direction—the split section width of the pavement shall be sixteen (16) feet.
   b. Two lanes in each direction—the split section width of the pavement width of the pavement shall be twenty-two (22) feet. The median between split streets shall not exceed the slope of two feet horizontal for each one foot vertical; and such median shall be planted by the subdivider and maintained for two years, to the satisfaction of the City Engineer. Where deemed appropriate by the City Engineer, lots may be located between the split pavement and such lots may front on both lanes.

2. Collective driveways shall only be permitted where such utilization will result in better building sites than would be possible if a public street was required. Said collective driveway shall not be used as required street frontage for the lots, which they serve.
   a. Collective driveways serving two (2) or less dwellings shall be paved to a width not less than ten (10) feet, and shall not exceed one-hundred fifty (150) feet in length.
b. Collective driveways serving more than two (2) dwellings shall be paved to a width of not less than eighteen (18) feet and shall not exceed three hundred fifty (350) feet in length.

c. Turnarounds must be provided at the end of collective driveways.

d. Signs indicating the driveway as private shall be erected in compliance with City standards.

e. Collective driveways shall not be maintained in any way by the City. Slopes of collective driveways shall not exceed fifteen (15) percent.

3. Cul-de-sacs may serve no more than ten (10) dwelling units and shall be a maximum of four hundred (400) feet long. A suitable turnaround shall be provided at the end of stub streets.

4. Streets in hillside areas may intersect at a minimum angle of sixty (60) degrees, provided they meet all other legal requirements relating to the construction of streets.

5. Grades of collector and minor streets shall be permitted to exceed twelve (12) percent to a maximum of fifteen (15) percent for a distance not greater than three hundred (300) feet in any two thousand (2,000) feet of street distance.

6. The following minimum dimensions are to be utilized in the design of hillside streets:

a. All streets shall have suitable pavement edging such as curbs and gutters. Concrete gutters must be provided where street drainage is accommodated.

b. Sidewalks of not less than five (5) feet in width may be required on one side of minor streets and on both sides of a collector street.

c. Parking lanes, eight (8) feet in width, shall be required on both sides of all public streets except where existing topography renders development adjacent to the street impractical; or where the street serves solely as an access road; or where an adequate number of off-street parking spaces are provided on each lot adjacent to the street. Streets without parking lanes shall be provided with emergency parking stalls adequate to contain at least two (2) vehicles per lot.

d. The following travel lane widths shall be required in all hillside areas:

  (1) The Side of a travel lane not adjacent to another travel lane shall be increased by two (2) feet.
  (2) Minor streets: Minor hillside streets shall have minimum travel lane of ten (10) feet.
  (3) Collector streets: Collector hillside streets shall have a minimum travel lane of twelve (12) feet.

§17.28.160. High Water Table Area Development Standards.

A. Development in high water table areas shall be subject to the following standards:
1. Prior to the acceptance by the City of a petition for rezoning of property in the designated area, or before the submission of an application for preliminary subdivision in the designated area, it must be demonstrated to the satisfaction of the Planning Commission that the conditions and requirements contained herein can be met. Such petition, submission, or application shall be made through the Planning Commission.

2. Prior to acceptance by the City of an application for final subdivision plat or for a mobile home plan in the specified area, it must be demonstrated to the satisfaction of the Planning Commission that all of the conditions specified in the policy have been fully met and accomplished.

3. Drainage water from the proposed new development will not be placed upon or pass through other properties, except:
   a. Where a pre-existing drainage system of adequate capacity is already in use; or
   b. Where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties recorded on proper deeds in the Office of the County Recorder specifying the following:
      (1) That the City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.
      (2) That the property owner will allow the owner of the easement to enter onto said property to maintain the drainage facility on said easement.
      (3) That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

4. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in written and recorded instruments running with the land, has been granted by the irrigation company and all water users below the proposed development on the specific ditch or canal specifying the following:
   a. That the City will be held harmless from all damage or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal.
   b. That the owner(s) of property which is the subject of a development plan will provide, and record with the County Recorder, a statement holding the City harmless from all damage when the project resulting from flooding or high water table.
c. That a disclosure statement be placed upon all subdivision plats in the subject area, stating that the subdivision lot is in an area potentially subject to flooding from high water table.
d. That drainage easements be granted to the City within the proposed development, as determined by the City Engineer, and drainage facilities be installed as part of the development at developer’s expense.

5. No buildings shall be allowed to be constructed in a high water table area of the City where the building proposed to be built includes a basement, except according to the following standards:
a. Prior to the issuance of the building permit, the owner(s) shall produce a statement which has been recorded on proper deeds in the Office of the County Recorder stating that the City will be held harmless from all damages or injury resulting from flooding in a high water table area.
b. Prior to the issuance of any building permit with a basement, the applicant therefore shall submit to the Chief Building Official a certificate from a registered professional engineer indicating the method or design to flood proof the basement.

6. A comprehensive drainage and grading plan is to be submitted by the developer of any property within a high water table area and shall be approved by the City Engineer before final residential subdivision approval or approval for any commercial or industrial development or building on a single lot or lots. In the case of building development on a single lot or lots, the plan shall be submitted by the Chief Building Official. Such plan shall be subject to the following requirements:
a. Approval of, and signatures by, all irrigation and canal companies if their ditches or canals cross the development areas, or if surface or subsurface drainage is to outfall into the ditch or canal.
b. Quantities of run-off will need to be determined for the complete development area by the rational or other standard engineering method of run-off. Procedures for the rational method of computation are outlined in ASCE Manual Engineering Practice No. 37 "Design and Construction of Sanitary and Storm Sewers."
c. At all outfall points from the development, quantities of run-off for a “ten year” storm shall be determined and indicated on the plan in cubic feet per second.
d. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used for run-off. If there is an insufficient capacity to handle added flows, it will not be used.
e. A topographic map shall be prepared indicating sufficient slopes in all areas to take surface drainage water into the designated street or storm drain. Water will not be allowed to pond any place other than a designated retention basin.
f. A plan of all proposed curbs, gutters, and cross-gutters will need to be submitted. Such plan shall indicate on each curb the proposed grade, directions of flow, and quantities of flow. If the gutter capacity is less than that required for a "ten-year" storm, storm drains will be required.

g. French drains or sumps will be allowed in the developments as part of the drainage plans.

h. No building permit shall be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in operable condition.

i. That accompanying the drainage and grading plan will be soil test provided by a licensed soil engineer for all areas in which underground private and public utilities will be installed. The engineer's statement must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure that they will not shift, buckle, or lose alignment.

j. The said engineering plan shall include a cross-section of all proposed utility trenches showing configuration and type of materials to be used in backfill and as a "bed" for utility lines the same to be approved by the City Engineer.
Chapter 17.29: Utah State University (USU) Combining District

§17.29.010. Purpose
The USU Combining district is intended to identify lands owned by Utah State University.

§17.29.020. Development regulations
Lands within the USU combining district may be exempt from some or all of the development requirements of this Title depending on the nature of the development and the applicability of State law related to development by subdivisions of the State of Utah.
Chapter 17.30: Existing Lot Size (X) Combining District

§17.30.010. Purpose.

The "X" combining district 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" combining district shall also be intended to identify lands from which development density has been transferred.

§17.30.020. Use of the "X" combining district

The City shall include lands within the Existing Lot Size combining district as a zoning action when approving a subdivision or other project that uses all development density for the subject property. The "X" combining district 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.
Chapter 17.31: Density limitation combining districts

§17.31.010. Purpose

The density limitation combining districts are intended to establish a maximum density in land area per dwelling unit on a lot or within a subdivision. The density limitation combining districts provide notice of lands where the number of dwelling units are different than the number of maximum density established by the base zoning district.

§17.31.020. Establishing density limitations

A. Nomenclature

1. Density limitation for densities of one unit per acre or less: Density limitations are shown as the number value of square feet per dwelling unit. For example, if the limitation were to be established as one dwelling unit per five thousand square feet of gross land area within the Multi-Family Medium base zoning district, the zoning district would be depicted as MFM-5000.

2. Density limitation for densities of one unit per more than one acre: Density limitation are shown as the number value of acres per dwelling unit. For example, if the limitation were to be established as one dwelling unit per three acres within the SFL district, the zoning district would be depicted as SFL-3.

B. Determining density limitations

The City may utilize the density limitation combining district as a condition of project approval in order to ensure that

1. Properties within a subdivision are not further subdivided,
2. Infrastructure capacities and service levels are not exceeded, or
3. To achieve aesthetic or design opportunities within a project design to ensure or protect open space or common areas from future development.

C. Action to enact a density limitation

Density limitation combining districts are added to properties through the Zoning Amendment process identified in Chapter 17.46.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 24th day of August, 1998, personally appeared before me Felicia Tepedino who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE

summaries of ordinances amending the Logan Municipal Code, 1989, are as follows:

1. ORD. 98-66. An ordinance adopted August 19, 1998 amended Section 9.24.070, Curfew and Truancy for Minors. The Council determined there were legitimate reasons to enforce the curfew ordinance during school hours on "compulsory school age minors," defined as persons between six and eighteen year of age who are not exempted from attending public or private schools. Truancy hours are defined as those hours in which a compulsory school age youth should be attending school in the district in which he resides in which the student attends school. A compulsory school age minor commits an offense if he remains in any public place or public transportation or property, or on the premises of any establishment within the city during truancy hours. A parent or guardian commits an offense if he knowingly permits or by insufficient control allows, a minor to be truant, as defined by the ordinance, during school hours. For an owner, operator or employee to knowingly allow a compulsory school age minor to remain in a business establishment during truancy hours is also an offense. The ordinance also lists defenses to prosecution.

2. ORD. 98-58. An ordinance adopted August 19, 1998 amended Title 17 of the Logan Municipal Code repealing Chapters 17.12 Hazard Zones, 17.16 Special Review, 17.08.050(145) and 147, 17.08.060(33), 17.08.065; enacting Combining Zones: Chapter 17.15 Combining Districts Established, Chapter 17.16 Airport Limitation, Chapter 17.17 Aquifer Protection, Chapter 17.18 Historic District, Chapter 17.19 Flood Hazard, Chapter 17.20 Planned Development, Chapter 17.21 Sensitive Lands, Chapter 17.22 Utah State University, Chapter 17.23 No Further Subdivision, Chapter 17.24 Density Limitation; and renumbered Chapter 17.20 Area Regulations to Chapter 17.10. The ordinances are effective upon publication. Full texts of these ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 205 North Main, Lois Price, Recorder Publication Date: August 24, 1998.