

TITLE 10

CHAPTER 13

**SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES**

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**10-13-1: INTENT**

The intent of this chapter is to provide under one heading, regulations which apply to two (2) or more zones, rather than to repeat them several times. (Ord., 1-22-2002)

**10-13-2: ALTERATION OF REQUIRED YARD PROHIBITED**

No building or structure shall hereafter be located, erected or altered that would result in the creation of a required yard smaller than permitted on the space requirement charts. A building lawfully existing at the effective date of the ordinance may have a smaller yard than herein required if such building is a lawful, nonconforming structure, but such a

building shall not reduce any further after the enactment of the ordinance codified herein. (Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004)

**10-13-3: YARD SPACE FOR ONE BUILDING ONLY**

No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established. (Ord., 1-22-2002)

**10-13-4: EVERY DWELLING TO BE ON A ZONING LOT**

Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development. (Ord., 1-22-2002) (3-2022, 5-3-2022)

**10-13-5: SALE OR LEASE OF REQUIRED SPACE PROHIBITED**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space satisfying the requirements of this title is provided. (Ord., 1-22-2002)

**10-13-6: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS**

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices and other ornamental features, and unenclosed steps and unwallled stoops, porches, decks and carports which may project up to thirty six inches (36") into a required yard. No projection shall extend more than sixteen inches (16") into a required yard necessary for an apartment building, excluding customary sills, belt courses and cornices. 1. (4-2013, 10-24-13)

**10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS**

Living and sleeping quarters in any building other than the main residential building are prohibited. (Ord., 1-22-2002)

**10-13-8: STORAGE OF JUNK AND DEBRIS PROHIBITED**

No yard or other open space surrounding an existing building in any agricultural or residential zone, or which is hereafter provided around any building in any agricultural or residential zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically provided for by this title. (Ord., 1-22-2002) (3-2018,8-14-18)

**10-13-9: PROHIBITED ACCESSORY STRUCTURE; EXCEPTION**

Roll off or shipping containers, semi-trailers, box cars or similar structures shall not be installed or maintained on residential properties. These accessory structures are allowed

for construction purposes only, placed on building lot (not in or on roadway) for no longer than six (6) months during construction. (1-2018, 3-13-18)

**10-13-10: REVIEW PROCEDURES FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND PERSONS WITH DISABILITIES**

The city herein adopts the standards and procedures for residential facilities for elderly persons and persons with disabilities, within Utah Code Annotated. The specific procedure is outlined in the conditional use process pursuant to chapter 20 of this title. (Ord., 1-22-2002)

**10-13-11: EXCEPTIONS TO HEIGHT REQUIREMENTS**

Public buildings and churches may be erected to any height, provided the building is set back from required building setback lines a horizontal distance of at least one foot (1') for each additional foot of building height (steeple and cupolas excepted) above the maximum height otherwise permitted in the zone in which the building is located. Water tanks, radio, microwave, cellular phone and television towers, solar collectors, solar louvers and reflectors, stairways, tanks, ventilating fans, fire or parapet walls, skylights, flagpoles, chimneys, silos or other similar structures may exceed the height requirements. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)

**10-13-12: LOCATION OF AGRICULTURAL OUTBUILDINGS**

No barn, corral or coop shall be constructed less than one hundred feet (100') from any existing dwelling. (Ord., 1-22-2002)

**10-13-13: DRAINAGE**

No new development may discharge storm water runoff into any drainage system without a storm water runoff plan approved by the planning commission and the city engineer. (Ord., 1-22-2002)

**10-13-14: IRRIGATION DITCHES**

The owners and users of irrigation ditches within the city boundaries shall not divert more water into the ditch than its carrying capacity. Owners and users of the ditches shall maintain them to prevent breakage or flooding of adjacent homes. Changes in any irrigation water system, including the rerouting or alteration of open ditches, shall be approved by the city and the associated water company before any alteration or construction begins. (Ord., 1-22-2002)

**10-13-15: CLEAR VIEW OF INTERSECTING STREETS**

A. Intersecting Streets

1. Obstruction of vision on corner lots within forty feet (40') of edge of pavement of intersection shall not be permitted from three feet (3') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or

other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted. (Ord., 1-22-2002) (6-2016, 9-27-16)

2. If tree trunks become more than twelve inches (12") inches in diameter and are located within the forty feet (40') triangle, they must be spaced more than eight feet (8') apart.

B. Intersecting Street and Driveway

1. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot obstruction of vision within twenty-five feet (25') of edge of driveway and asphalt pavement of intersection of the rear yard fence with the street shall not be permitted from three feet (3') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.
2. If tree trunks become more than twelve inches (12") inches in diameter at a mature size and are located within the twenty-five feet (25') triangle, they must be spaced more than eight feet (8') apart.

(1-2023, 5-21-23)

C. Shrubbery

Ornamental grasses, flowers, and shrubs are permitted if they are spaced six feet (6') apart and are not higher than three feet (3') above street or sidewalk grade. Above ground transformers are allowed if they are less than forty inches (40") above street or sidewalk grade. All plantings and obstructions shall maintain an overall clear visibility of 70% or greater.

(3-2020, 5-19-20) (1-2023, 3-21-23)

**10-13-16: EFFECT OF STREET PLAN**

Wherever a front or side yard is required for a building that abuts on a proposed street which has not been constructed, but which has been designated by the planning commission as a future street, the depth of such front or side yard shall be measured from the planned right of way lines. (Ord., 1-22-2002)

**10-13-17: EXCEPTION TO FRONT SETBACK REQUIREMENTS**

The setback from the street for any dwelling located between two (2) existing dwellings in any residential zone may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street and are located within one hundred fifty feet (150') of each other. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)

**10-13-18: CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS**

Concessions, including, but not limited to, amusement devices, recreational buildings and refreshment stands shall be permitted on a public park or playground when approved by the city council. (Ord., 1-22-2002)

**10-13-19: SEWAGE DISPOSAL**

Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the Bear River Health Department before a building permit shall be issued therefor. If a sewer mainline is installed within three hundred feet (300') from a building that is serviced by a septic tank, the owners of the building will be required to connect sewer service for the building to the sewer mainline unless unreasonable topographic, geographic or geologic conditions exist. Exceptions to connecting to the city sewer system shall be reviewed and approved by the city engineer, public works director and zoning administrator. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)

**10-13-20: LOCATION OF FUEL TANKS IN AGRICULTURAL ZONE**

Where fuel tanks are permitted in the agricultural zone for related agricultural purposes, the location of said tank shall be considered an accessory use and must conform to appropriate setbacks as well as state standards for hazardous materials. (Ord., 1-22-2002)

**10-13-21: POLLUTION PREVENTION**

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by Utah state air conservation board or the board of health, and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering ground water in amounts exceeding the standard prescribed by the Utah state water pollution control board or the board of health, shall be prohibited. (Ord., 1-22-2002)

**10-13-22: RECREATIONAL VEHICLES AND MOBILE HOMES PROHIBITED; EXCEPTIONS**

It shall be unlawful to place any recreational vehicle on any lot or parcel of land in the area covered by the zoning map for use as human habitation except in compliance with the following conditions:

- A. When temporarily located on a lot on which a building is being constructed and connected to approved water and sewer facilities for period of one year or less. Parking on the street is limited to two (2) consecutive days.
- B. For temporary use of visitors for maximum period of two (2) weeks, within a thirty (30) day period. (Ord., 1-22-2002)
- C. All sewage from any recreational vehicle shall be disposed of in an approved septic/sanitary sewer system or legally disposed of outside city limits. (6-2022, 6-21-22)

**10-13-23: RECREATIONAL VEHICLE AND TRAILER STORAGE**

It shall be unlawful to store a recreational vehicle or trailer of any kind on any public street or in any front yard for more than two (2) consecutive days. Recreational vehicles must be stored in rear or side yards and shall be set back from the property line by no less than three feet (3'). Temporary storage of a recreational vehicle by visitors on any public street or in any front yard shall be limited to a maximum period of two (2) weeks, within a thirty

(30) day period. All sewage from any recreational vehicle shall be disposed of in an approved septic/sanitary sewer system or legally disposed of outside city limits. (Ord., 1-22-2002; amd. Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002) (6-2022, 6-21-22)

#### **10-13-24: INOPERABLE, UNLICENSED VEHICLES OR JUNK**

This regulation is to keep inoperable, unlicensed vehicles or junk from public view. Inoperable or unlicensed vehicles and junk must be stored away from public view in all zones. Screening fences and walls shall conform to appropriate front yard setback and landscaping requirements. Not more than three (3) inoperable or unlicensed vehicles are allowed on one lot. (Ord., 1-22-2002)

#### **10-13-25: DUMPSTER ENCLOSURE REQUIREMENTS**

- A. Applicability: Dumpster enclosures may be required at highly visible, public areas.
- B. Space: The space inside an enclosure shall be reserved for dumpsters only. No other items are allowed to be stored inside a dumpster enclosure.
- C. Parking: No parking shall be allowed within five (5) feet behind or on either side of a dumpster. No parking shall be allowed in front of a dumpster.
- D. Minimum Size: Each enclosure shall provide a minimum eleven (11) foot interior depth and a six (6) foot height. For single enclosures, with or without gates, the minimum opening shall be twelve (12) feet. For double enclosures, without gates, the minimum opening shall be twenty-two (22) feet and for double enclosures with gates the minimum opening shall be twenty-four (24) feet.<sup>1</sup>
- E. Bollards: Bollards or a six (6) inch curb shall be placed behind the dumpster to protect the enclosure wall from damage. On enclosures without gates a bollard should be placed outside of the opening face, one at each corner as to not interfere with collection.
- F. Safety: Each enclosure shall provide a minimum of two (2) feet of clear space between each side of the dumpster and the adjacent wall surface of enclosure, or any other dumpsters within the same enclosure.
- G. Placement: Dumpsters must be placed side-by-side. The stacking of dumpsters in a single-wide enclosure will be approved only on a case-by-case basis, before construction begins.
- H. Pedestrian Access: A pedestrian opening on one wall of the enclosure for employee or customer access to the dumpster is optional.
- I. Overhangs: Overhanging caps on the enclosure walls are prohibited.

- J. Concrete Pad: The enclosure shall be placed on a level concrete pad with a concrete depth of six (6) to eight (8) inches and the pad shall extend eight (8) feet out in front of the enclosure. Furthermore, the floor of the enclosure and the approach to the enclosure shall slope uniformly 1.0% - 2.0% maximum from the back of the enclosure to the front edge of the concrete approach.
- K. Gates: Gates are not required because of the negative impact on collection efficiency. However, any gates on the enclosures must be mounted with the hinges on the front of the posts and not on the inside. The gates must be able to be opened to at least twelve (12) feet wide. A gate stop or latch system must be installed on the gates so that they will remain in the open position when necessary. Gate clearance from the bottom of the gate to the concrete pad shall be four (4) to six (6) inches to allow for ice and snow build up.
- L. Access: A minimum of sixty (60) feet of straight-on access to the dumpster is required. Any collection point further than one hundred and fifty (150) feet from the public right of way must provide an on-site turn around.<sup>2</sup> A minimum of twenty (20) foot clearance overhead from building eaves, parking awnings, trees, poles, overhead power or cable wires, etc. is required.
- M. Maintenance: Enclosures shall be always maintained in good condition and appearance. Gate latches shall be kept fully operable. It is the owner's responsibility to ensure that access to the enclosure is not obstructed. This includes removing snow, ensuring there is no parking in the area and repairing or rebuilding concrete pads whenever the pavement deteriorates. (4-2013, 10-24-13)

<sup>1</sup> See Bin Enclosure drawings

<sup>2</sup> See Turn Around specifications

**10-13-26: REQUIREMENTS FOR ACCESSING PRIVATE PROPERTY FOR REFUSE AND RECYCLING COLLECTION**

- A. Minimum Road Requirements: The minimum width of a road accessing private property for refuse and recycling collection shall be twenty (20) feet. In addition, there must be a minimum turn-around of sixty (60) feet OR a one hundred and twenty (120) foot hammer head. In addition, the surface must be asphalt, concrete or improved gravel. If these requirements are not met, the residents will be required to transport residential carts to the nearest public road for collection. In some circumstances, the private road may be best serviced by a front-load dumpster located at easily accessible points approved by the Logan City Environmental Department.
- B. Turn Around: There shall be no parking or snow storage allowed at the turn around or hammer head.
- C. Placement: A minimum of twenty (20) foot clearance overhead from building eaves, parking awnings, trees, poles, overhead power or cable wires, etc. is required.

- D. Dwellings: If there is or will be less than three (3) separate dwellings located on a private road, customer(s) will be required to transport their containers to the nearest city or county road for collection. The Logan City Environmental Department will determine the final collection point. If there is or will be more than three (3) separate dwellings, collection on a private road may be considered provided the roads are adequate and that placement and turnaround provisions are met.
- E. Waiver: To provide collection on a private road, the property owner must sign a waiver stating that Logan City will not be liable for road damage. The waiver will be on file in the Logan City Environmental Department's Office. A new waiver will need to be signed any time there is a new owner.
- F. Maintenance: Regular road maintenance is required for continued access on private roads: potholes, soft shoulders, steep hills, snow removal, etc. affect efficiency and safety. The collection point may be relocated if owners do not promptly address these concerns.
- G. Collection Time: An estimated additional time required to provide service to a specific location will be used in deciding the type of collection and/or the collection point.
- H. Multi-unit Developments: Multi-unit, private development areas must be serviced using frontload dumpsters instead of residential carts. Access to these dumpsters must meet the current specifications for commercial dumpster placement. (4-2013, 10-24-13)