

## **Boarders and Renters in Homes**

### **What are the basic laws governing boarders or renters in homes in North Logan?**

Zoning laws are what govern who can live in a housing unit or home. The majority of North Logan is zoned for single family dwellings, meaning only one “family” can live in a house. Even in multiple family buildings only one “family” can live in each dwelling unit in the building. Although there are many ways houses can be built that makes it possible for a homeowner to rent out or otherwise make space available to another family or unrelated singles, that practice is only allowed as long as it complies with North Logan’s current zoning ordinance. A new city law, passed December 2010, does allow for groups other than a typical “family” to live in a single family residence.

There is also a way to have two family units in a single family residence if the residence is owner occupied and if a Conditional Use Permit is obtained for this use. See the back of this Info Sheet for some of the North Logan City Code references that apply to this issue.

### **How does the city define a family or group that can occupy a single family residence and how does that affect this issue?**

The North Logan City Council has established by city ordinance the definition of a family as it relates to the number of people that can occupy a single family residence. The current definition is as follows:

*Family. A single person or a group of persons related by blood, marriage or adoption. (See associated definition herein of “Related”.) The following groups of individuals are also designated as being permitted to occupy a single-family residence or each unit within a two-family or multiple-family dwelling unit as if it was a family:*

- a. A family as defined above plus one (1) additional unrelated individual living with the family;*
- b. A family as defined above plus up to four (4) children living with the family in a licensed foster care or host home;*
- c. A family as defined above plus one (1) additional child (three (3) if siblings) living in a proctor care home; or*
- d. A group of no more than four persons regardless of their familial relationship.*

This definition allows for some flexibility in who can occupy a single family residence. The ordinance allows for any number of related persons to live in a home or apartment as long as they are related (related closely enough to fit within the city’s definition) plus you can have one additional person living there who is not related. It also allows up to four persons, regardless whether or not they are related, to occupy a single family residence. This is a recent change (2010) and was done as a result of new Utah State Law.

### **If we have one unrelated individual or some relatives living with us, can they be in a separate part of our home with their own kitchen and living area and can they pay us rent?**

No reference is made in the ordinance as to whether there needs to be a separate living area or whether rent can be exchanged. This was done intentionally to allow for the relatives or the one unrelated person living with the family to have a private space separate from others living there, and to pay rent, if that is the agreement.

### **How closely related is “related”? We’re all related by blood if you go way back.**

Related by blood, marriage, or adoption within the definition of “family” means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law,

father-in law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

### **What “grandfathering” rules are applicable?**

If a portion of a home had been rented out as a separate dwelling unit when city ordinances allowed for that (about 1970); and if the dwelling unit has continuously been used as such since that time, then the situation might still be allowed. There are a few such places in North Logan where this is the case, but they are rare.

### **Explain the law that allows for a second family to live in a single family home if the home is occupied by the owner of the home.**

If a single family residence is lived in by the owner, that owner may apply for an Accessory Dwelling Unit (ADU) to be permitted in the home. This is done through a conditional use process which includes an inspection of the property to ensure it meets certain building and fire codes. The ADU must be a separate living space in the house (having its own kitchen and entrance for example) plus two off-street parking spaces must be provided for the ADU in addition to two for the base home. See North Logan City Code 12C-513 for more info.

### **What are some examples of situations which are OK and some which are not?**

The following would be permitted or not permitted as noted below.

- Husband, wife and children living upstairs with a brother’s family in the basement OK
- An individual living upstairs with an unrelated couple with children living in a basement apartment OK
- Up to four unrelated individuals living in the same home or one apartment in a four-plex OK
- Husband, wife and one child plus two unrelated additional persons Not permitted
- Five or more unrelated people living together in a home or an apartment in a four-plex Not Permitted
- Husband and wife (owners) living upstairs plus an unrelated couple with a child in the basement. Since total in the house is more than four, this would be permitted only through establishing an ADU

**The following are places to go in the North Logan City Code for further, more detailed information about this issue. You may look up these city laws on the City’s web site at [www.northlogancity.org](http://www.northlogancity.org). At the homepage click the block on the left marked “Municipal Code”. Scroll down to Title 12A or C, click there and you can read the specific code.**

Look within Section 12A-200 for these and other definitions relating to this issue:

Accessory Dwelling

Family

Related

Residence, Family

Residence, Single Family

Look in subsections of Section 12C-200 for information on non-conforming uses to include:

12C-207. Continuation of Use.

12C-209. Change of use.

12C-210. Non-conforming Use of Land.

Look in Section 12C-515 for information about establishing an accessory dwelling unit in an owner-occupied residence.

**Need more Information?** Contact the City Administrator at 435-752-1310 ext 14 or Community Development Director at ext 13.