Chapter 17.02
DEFINITIONS
Sections:
17.02.010 Definitions.

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Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this division. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" includes the word "structure"; the words "used" or "occupied" include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the word "lot" includes the words plot or parcel. Words used in this division, but not defined herein, have the meaning as defined in any other ordinance adopted by the local jurisdiction.

1. "Agricultural industry (agricultural business)" means the processing of raw food products by packaging, treating, and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the planning commission.
2. "Agriculture" means the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl except household pets and not including any agricultural industry or business.
3. “Airport.” All airport definitions and regulations will be found in the airport ordinance adopted by the local jurisdiction except as airports are governed under the general use regulations of this division.
4. "Alley" means a public access way less than twenty-six (26) feet in width that is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street for the purpose of this division.
5. “Alluvial soils" means areas subject to periodic flooding as defined in the soil survey prepared by the Soil Conservation Service that encompasses the local jurisdiction.
6. "Amusement park" means any place of organized amusement activity not conducted wholly within a completely enclosed building, whether a commercial or nonprofit enterprise, except temporary celebrations sanctioned by the local governing body by a special permit.
7. "Animal clinic (also animal hospital)" means any building or portion thereof designed or used for the care or treatment of animals or fowl, and/or in which veterinary service is provided or is available.
8. "Architectural projection" means any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.
9. "Automotive body and fender shop" means a facility for major automobile, truck, mobile home, recreational coach or recreational vehicle repairs to body, frame, or fenders, and including rebuilding.
10. "Automatic carwash" means a facility for automatic self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 ½) tons’ capacity.
11. "Automobile truck wash" means a

facility for automatic self-service washing or cleaning of trucks exceeding one and one-half (1 ½) tons' capacity.

12. "Automobile paint shop" means a facility for painting of automobiles, trucks, trailers, boats, or other travel or recreational vehicles or units.
13. "Automobile sales area" means an open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreational vehicles in operable condition.
14. "Automobile salvage yard (wrecking or processing)" means a lot or portion thereof used for the storage, dismantling, demolition, or abandonment of automobiles, other vehicles, other machinery, or parts thereof.
15. "Automobile service station" means a place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, and tune up of automobiles, but not including major auto repair.
16. "Average slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of one hundred (100) feet apart measured on a horizontal plane is one hundred (100).
17. "Basement" means a story which floor is more than twelve inches (12") below the average level of the adjoining ground, but where no more than one-half (½) of its floor-to- ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement and as a half-story for the purpose of side yard determination.
18. "Beginning of construction" means the excavation or re-contouring of the site.
19. "Block" means the land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.
20. "Boarding house" means a dwelling where, for compensation, meals are provided for at least three (3) but not more than fifteen (15) persons.
21. "Bona fide division of agricultural land purposes" means the division of agricultural land into three (3) or more lots for which the planning commission makes the following written findings of fact upon petition for such findings by a land owner:

a. No urban services will be required by said division of agricultural land.
b. The purpose and use of each of the lots in the division shall be for agriculture purposes, not for investment, building development, recreational use, cabin or other housing use, livestock feed yard, or other agricultural industry or business.
c. Each of the parcels created has access to an existing public street or to a private street approved by the planning commission and the governing body.
d. Each of the lots created shall be found by the Planning Commission to be capable of producing an income from the sale of agricultural products sufficient to justify its existence as a separate agricultural lot entity now or in the future. Among the controlling factors used in making a decision as to whether a division of land is or is not a bona fide division or partition of agricultural purposes, the planning commission and the governing body shall make findings as to the availability of water for irrigation or

stock watering purposes, the class of the soil and depth of the soil mantle, the slope of the land, past history of agricultural production, and the present state of agricultural technology.

22. "Bona fide division of commercial land purposes" means the division of commercial land into three (3) or more parcels for which the planning commission makes the following written findings of fact upon petition for such findings by a land owner:

a. The purpose and use of each of the lots in the division shall be for commercial purposes and not for manufacturing, warehousing, construction, or assembly of goods, agricultural production, recreation or residential housing.

b. Each of the lots created has access to a public street or highway or to a private street approved by the planning commission and the governing body.

23. "Bona fide division of industrial land purposes" means the division of industrial land into three (3) or more parcels for which the planning commission makes the following written findings of fact upon petition for such findings by a land owner:

a. The purpose and use of each of the lots in the division shall be for industrial purposes and not for on-premises sales, display of goods, agricultural production, recreation, or residential housing that will be used on the site.

b. Each of the lots created has access to a public street or highway or to a private street approved by the planning commission and the governing body.

24. "Buildable area" means the portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen percent (15%) shall not be considered geo-technically buildable unless it is approved by conditional use permit.

25. "Building" means any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

26. "Building, height of" means the average vertical distance measured at the four (4) corners of the main building. The "average vertical distance" is computed by measuring from the finished grade of the structure at each of the four (4) corners to the highest elevation of the roof structure.

27. "Building official" means the person designated as the building official for the local jurisdiction by the governing body.

28. "Campground" means a public area designated by a public agency for camping or a private area licensed by the local governing body for camping.

29. "Camping" means a temporary establishment of living facilities such as tents or recreational coaches as regulated by this division.

30. "Carport" means a private garage not completely enclosed by walls or floors. For the purposes of this division, a carport shall be subject to all the regulations prescribed for a private garage.

31. "Cellar" means a room or rooms having more than fifty percent (50%) of the floor to ceiling height under the average level of the adjoining ground.

32. "Child nursery (day care center)" means an establishment for the care and/or the instruction of five (5) or more children for compensation other than for members of the family residing on the premises, but not including a public school.

33. "Church" means a building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship

and religious instruction.

34. "Clinic, dental or medical" means a building in which a group of dentists, physicians, and/or allied professionals in the healing arts are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

35. "Club, private" means a social, recreational, or athletic club or similar association or corporation incorporated under the provisions of the Utah Non-Profit Corporation and Cooperation Act for the above-stated purposes, which maintains or intends to maintain premises upon which alcoholic beverages are or will be stored, consumed or sold, and which for that reason is required to be licensed by the state.

36. "Conditional use" means a use of land for which a conditional use permit is required, pursuant to this division.

37. "Condominium" means the ownership of a single unit in a multi-unit project, together with an undivided interest in common areas and facilities of the property as provided by state law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in a single development; in a condominium development the multiple individual ownerships are in structures, whereas in subdivisions such ownerships are in land. For regulation purposes the development of a condominium project is treated by Utah state law and by this division as a subdivision, and condominium developments must comply with the subdivision regulations of this division.

38. "Corral" means a space, other than a building, less than one (1) acre in area or less than one hundred feet (100') in width, used for the confinement of animals or fowl.

39. "Coverage, building" means the percentage of the total site area covered by buildings.

40. "Crosswalk" or "roadway" means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

41. "Cul-de-sac" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this division, the length of the cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point to the center of the cul-de-sac.

42. "Culinary water facility" means water supply lines, pumps, springs, wells, and/or any other physical facilities necessary to provide a supply of culinary water to a use in sufficient quantity and of approved quality to meet the standards of this division.

43. “Dairy” means the production of milk on a farm for wholesale marketing off the premises shall classify the farm as a dairy.

44. "Density" is a measure of the number of dwelling units per acre of area. It shall be expressed dwelling units per acre (DU acre).

a. “Density, Gross.” This is the maximum density that may be permitted in any zoning district.

b. “Density, Net.” This is the maximum density permitted on the buildable portion of the site. All tracts of land within a district may be developed to the

same net density. Net density is calculated by dividing the total number of dwelling units by the net buildable site area. This density controls actual site capacity.

45. "District (zone, zoning district)" means a portion of the territory of the local jurisdiction established as a zoning district by this division, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this division.

46. "Driveway" means a private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

47. “Dwelling" means any building or portion thereof designed or used as the principal residence or sleeping place of one (1) or more persons or families, but not including a tent, a recreational coach, hotel, motel, hospital, or nursing home.

48. "Dwelling, single-family" means a building containing only one (1) dwelling unit.

49. "Dwelling, two-family (duplex)"means a building containing only two (2) dwelling units.

50. "Dwelling, three-family (triplex)" means a building containing only three (3) dwelling units.

51. "Dwelling, four-family (four-plex)" means a building containing only four (4) dwelling units.

52. "Dwelling, multiple-family" means a building containing more than one (1) dwelling unit.

53. "Dwelling unit" means one (1) or more rooms in a dwelling, apartment complex, hotel, or motel, designed for and/or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

54. "Easement" means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of such property(ies). The easement may be for use on, under, or above such lot or lots.

55. "Effective date of this division" means the date on which this division becomes legally binding.

56. "Environmental impact assessment" means a report which describes, by means of written narrative as well as maps, a geographical area in terms of existing: (l) slope, (2) soils, (3) water courses, (4) water table, (5) flood hazard areas, (6) geologic hazards, (7) vegetative types, (8) wildlife, (9) wildlife habitat, and (10) essential urban services presently available.

a. The report includes a tabulation of proposed population density and the numbers and types of proposed dwellings and other buildings and spaces to be occupied at full development.

b. The report further describes by means of written narrative as well as maps the impact to the proposed development on the following specific subject areas once the anticipated population density is achieved within the area to be developed: (l) water courses and flood hazards, (2) natural vegetation, (3) wildlife, (4) erosion, (5) topsoil loss, (6) sedimentation of water courses and reservoirs, (7) slope stability, (8) dust, (9) fire potential, (10) accumulation of solid and liquid wastes, and (11) the need and desire for urban services.

c. The report also evaluates the potential area-wide economic impact of the development on both private and public economic sectors and the potential impact on school, public utility, and

transportation systems.
d. Finally, the report recommends measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from construction of the proposed development, and discusses the benefits to be gained from such development, and what adverse impacts cannot be avoided and the extent of their detrimental influence.

57. "Essential facility" means electrical and natural gas utilities, radio stations (transmitting only), sanitary and public safety facilities provided by a public utility or governmental agency for overhead, surface or underground services, excluding any building, electrical substation, or transmission line of fifty (50) kv or greater capacity.
58. "Excavation" means any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes; whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located, in addition to a conditional permit if such is required.
59. "Family" means one (1) individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may also include (4) four, but not more than four (4), non-related persons in a single dwelling unit. The term "family" shall not be construed to mean a fraternity, club or institutional group.
60. “Family Food Production.” See current city ordinances.
61. "Feed yard" means an agricultural industry in which animals or fowl are kept and intensively fed in relatively restricted area, as contrasted with open pasturage.
62. "Final plat" means a plat map prepared in accordance with the provisions of this division, which is designed to be placed on record in the office of the county recorder.
63. "Final inspection" means the final inspection of a building or facility made when all provisions and/ or conditions of this division have been met which will allow occupancy or use of said building or facility.
64. "Fire fighting facility" means such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this division.
65. "Flood hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.
66. "Flood plains" mean areas adjoining any streams, ponds, or lakes which are subject to one-hundred-year (100-year) recurrence-interval floods on maps prepared by the United States Army Corps of Engineers, or a study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.
67. "Flood plain soils" means areas subject to periodic flooding and listed in the soil survey prepared by the Soil Conservation Service which encompasses the local jurisdiction as being "on the flood plain" or subject to "flooding."
68. "Floor area" means the sum of the areas of the several floors of the building or

structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this division, or any such floor space intended and designed for accessory heating and ventilating equipment.

69. "Floor area ratio" means the ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

70. "Forest" means areas, groves, or stands of mature or largely mature (i.e., greater than six inches (6") caliper) trees covering an area greater than one-quarter (1/4) acre; or groves of mature trees (greater than twelve inches (12") caliper) consisting of more than ten (10) individual trees.

71. "Forest industry" means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products, plant, and similar uses.

72. "Frontage" means all property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts, or that common line between a lot and a public street. Street lines across which access is denied or cannot be had because of topography or for other reasons shall not constitute frontage for purposes of this division.

73. "Frontage, lot" means the lineal measurement of the front lot line.

74. "Garage, private" means an accessory building designed and/or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory, provided that a garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

75. "Garage, public" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, leasing, renting or storing motor vehicles.

76. "Geological hazard" means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Geologic hazards include but are not limited to: rock fills, slide areas, flood plains, fault lines, high water table, and groundwater problems, such as liquefaction, etc.

77. "Grade (lot grade, finished grade)" shall be as follows:

a. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.

b. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

78. "Governing body" means the elected legislative body of the local jurisdiction.

79. "Home occupation" means an occupation of a person where such person resides or an accessory building thereto and which occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or of the neighborhood. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood. It shall also not involve the use of yard space or of any part of a dwelling for which, by reason of any state, federal, or local law or ordinance, special or extra entrances or exits, or special rooms are required as a condition precedent to the operation of such use.
80. “Hospital" means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.
81. "Hotel" means a building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are lodged for compensation, with or without meals.
82. "Household pets" mean animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not normally dangerous animals, such as lions and tigers. This definition shall not include a sufficient number of dogs as to constitute a kennel as defined in this division.
83. "Impervious surfaces" are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the local engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.
84. “Impervious Surface Ratio.” The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the base site area.
85. "Improvement" means work, objects, devices, facilities, or utilities required to be constructed or installed in a land development. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, ditches and canals, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this division, subdivision regulations, or by the planning commission and/or governing body for the necessary proper development of the proposed land development.
86. "Improvements agreement" means an agreement between the local jurisdiction and a developer, wherein the developer agrees to install improvements required by this division, subdivision regulations, or by the planning commission and/ or governing body for the necessary proper development of the proposed land development.
87. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, or other waste or salvage materials, dismantled, junked, or wrecked automobiles or parts thereof; dismantled, junked, or inoperable

appliances; and old scrap ferrous or nonferrous metal materials.

88. "Junkyard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

89. "Kennel" means any premises where three (3) or more dogs older than four (4) months are kept, except that more than three (3) of such dogs may be kept in the rural residential, agricultural, and multiple-use districts as accessory uses to a use allowed in the district.

90. "Land, agricultural" means land used for bona fide agricultural purposes, or which is projected for agricultural use by the master plan or the zoning ordinance adopted by the local jurisdiction, but not including legally existing nonconforming uses located in areas so projected.

91. "Land, commercial" means land used for bona fide commercial purposes, or which is projected for commercial use by the master plan or the zoning ordinance adopted by the local jurisdiction, except legally existing nonconforming uses in areas designated commercial in such ordinance.

92. “Land development standards" mean construction standards, including but not limited to: drawings, tables, charts and references which have been adopted by the governing body and which set standards for the construction of improvements to land and which regulate such construction of improvements to land.

93. "Land, industrial" means land used for bona fide industrial purposes or which is projected for industrial use by the master plan or the zoning ordinance adopted by the local jurisdiction, except legally existing nonconforming uses in areas designated industrial in such ordinance.

94. "Land use intensity" means the degree to which land is used by man ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by:
a. Type of use, i.e., agricultural, residential, commercial or industrial;
b. Period of use in average hours per day;
c. Numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and
d. The percent of the land covered by manmade structures.

95. "Local attorney" means the attorney employed by or officially representing the local jurisdiction.

96. "Local building official" means the building official employed by or officially representing the local jurisdiction.

97. "Local engineer" means the engineer employed by or officially representing the local jurisdiction.

98. “Local Governing Body” (See "governing body.")

99. "Local health officer" means the health officer or department employed by or officially representing the local jurisdiction .

100. "Local jurisdiction" means the county, city or town adopting this division.

101. "Local planner" means the planner employed by or officially representing the local jurisdiction.

102. "Local surveyor" means the surveyor employed by or officially representing the local jurisdiction.

103. "Lodging house" means a dwelling with not more than ten (10) guest rooms where, for compensation, lodging is provided for at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

104. "Lot" means a parcel or unit of land abutting a public street or approved private street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision map, or condominium plot map.

105. "Lot area" means the area contained within the property lines of the individual parcels of land shown on a subdivision plat or required by this division, excluding any area within an existing street right-of- way, or any area required as open space under this division, and including the area of any easements.

106. "Lot, corner" means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

107. "Lot depth" means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

108. "Lot frontage" means the length, in feet, of the front lot line which is coterminous with the front street line.

109. "Lot frontage, required" means the length, in feet, of the front lot line which is coterminous with the front street line.

110. "Lot held in separate ownership" means all contiguous land held in one (1) ownership at the time of the passage of the ordinance codified in this division or at any time hereafter, whether or not such land has been or is described separately, has separate chains of title, is described on one (1) or more than one (1) property tax notice, or is otherwise divided on paper.

111. "Lot interior" means a lot other than a corner lot.

112. "Lot lines" means the property lines bounding the lot.

113. "Lot line, front" means, for an interior lot, the lot line adjoining the street; for a corner lot or through lot, each lot line adjoining a street.

114. "Lot line, rear" means, ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore- shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the zoning administrator shall designate the rear lot line.

115. "Lot line, side" means any lot boundary line not a front or rear lot line. (This does not apply to any yard fronting on a street, which is by definition a front yard line.)

116. "Lot, restricted" means a lot having an average slope of twenty-five percent (25%) or more; a lot which does not contain at least seventy five (75) feet by one hundred (100) feet, with an average slope of less than fifteen percent (15%); and/or a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the side, has a slope of fifteen percent (15%) or greater; or a lot subject to geologic hazards.

117. "Lot right-of-way" means a strip of land not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

118. "Lot width" means the horizontal distance between the side lot lines,

measured at the required front yard setback line or rear yard setback line, whichever is shorter.

119. "Lot, unrestricted" means a lot having an average slope of less than twenty-five percent (25%) and containing a buildable area of at least seventy-five (75) feet by one hundred (100) feet, with an average slope of less than fifteen percent (15%), which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen percent (15%).

120. "Master plan (comprehensive plan, general plan)" means a coordinated plan which has been prepared and adopted for the purpose of guiding development, housing, and public facilities and parks and which is adopted by the local jurisdiction in accordance with Utah state law.

121. "Major street plan" means a map of the local jurisdiction which shows existing public streets and which has been officially adopted by the planning commission of the local jurisdiction as the major street plan.

122. "Market analysis" means an economic analysis of the feasibility of a project.

123. "Mobile home" means a detached single-family dwelling of not less than thirty (30) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; and which has not been demonstrated to conform to the building division for other residences adopted by the local jurisdiction. In determining if such a dwelling is designed for long-term occupancy, the following criteria shall be used: such a dwelling contains a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other minor work.

124. "Mobile home work" means a parcel of land that has been planned and improved for the placement of mobile homes for non-transient use and consisting of two (2) or more mobile home spaces where the entire project is to be under single ownership or management and meets all of the requirements of this division for mobile home parks.

125. "Mobile home space" means a space within a mobile home park designed and to be used for the accommodation of one mobile home.

126. "Mobile home subdivision" means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

127. "Modular home" means a permanent dwelling structure built in prefabricated units which are assembled and erected on the site or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.

128. "Motel" means a building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

129. "Natural retention area" means an area of poorly drained soils which lies along stream channels or swales or is adjacent to flood plain soil which are subject to periodic flooding.

130. "Nonconforming building or structure" means a building or structure or portion thereof, lawfully existing at the time this division became effective, which does not

conform to all the height, area, and yard regulations herein prescribed in the zone in which it is located.

131. "Nonconforming use" means a use which lawfully occupied a building or land at the time this division (August 31, 1978) became effective and which does not conform with the use regulations of the zone in which it is located.

132. "Nursing home (rest home, convalescent home)" means a home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

133. "Official map (also public facilities map)" means a map which has been officially adopted by the governing body according to state law and which includes the major street plan. If the local jurisdiction is a county, the official maps may also include parks, parkways, sites for public buildings or works, and subsurface facilities in which the county has been or may be called upon to assist financially, or by other means.

134. "Off-street parking space" means the space required to park one (1) passenger vehicle, which space shall meet the requirements of this division.

135. "Off-site facilities" means improvements not on individual lots but generally within the boundaries of the development which they serve, and as further outlined in this division.

136. "On-site facilities" means construction or placement of the dwelling and its appurtenant improvements on a lot.

137. "Open space" means land used for recreation, agriculture, resource protection, amenity, or buffers; is freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted; and is protected by the provisions of this division to ensure that it remains in such uses. Open space does not include land occupied by non-recreational buildings, roads, or road rights-of-way; nor does it include the yards or lots of single-family or multiple-family dwelling units or parking areas as required by the provisions of this division. Open space should be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

138. "Open space ratio" means a measure of the intensity of land use. It is arrived at by dividing total amount of open space within the site by the base site area.

139. Open Space, Usable. "Usable open space" means any portion of a lot or building which meets all of the following conditions:

a. The open space shall be open to the sky or shall be open to view on at least two (2) sides.

b. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.

c. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the zoning administrator to assure reasonably safe usage by children and adults.

d. The space shall not be provided from any required front or side yard, parking area, or driveway space.

140. "Package agency (also liquor store)" means any outlet authorized by the Utah Liquor Control Commission to sell

original packaged liquor or wine for consumption off the premises.

141. "Parking facility (parking lots, parking structures)" means a building or open area, other than a street, used for the parking or more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

142. "Pedestrian-way (walkway or crosswalk)" means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian-way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

143. "Permanent monument" means any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the local jurisdiction for permanent monuments.

144. "Permitted use" means a use of land which is allowed within a particular district without the necessity of obtaining a conditional use permit.

145. "Planning commission" means the planning commission of the local jurisdiction.

146. "Planned district" means a zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the zoning ordinance, after public hearing, as required for other zoning districts.

147. "Prime agricultural soils" means areas of soils most suited for agriculture, those in capability units I, II, or III, as indicated in the soil survey prepared by the Soil Conservation Service which encompasses the local jurisdiction.

148. "Principal building or structure" means a building or structure which houses a principal use.

149. "Principal use" means any use which is named and listed in the use regulations provisions of this division, except those uses specifically designated as accessory uses; any use which is or may be conducted on a lot independently or any other use on the lot and not incidental or accessory to any other use on the lot; any use which establishes the primary activity on a lot.

150. "Private nonprofit recreational grounds facilities" means nonprofit recreational grounds and facilities operated by a nonprofit corporation, association, or group.

151. "Professional team, qualified" means an individual or group of individuals qualified by virtue of training, experience, state licensing where appropriate and membership in professional associations which pass upon qualifications prior to admittance to membership. A determination of whether or not a team is qualified, in the sense explained above, shall be made solely by the planning commission.

152. "Protection strip" means a strip of land between the boundary of a land development and a street within the land development, for the purpose of controlling the access to the street by property owners abutting the land development.

153. "Recreation dwelling (cabin, recreation cabin)" means a dwelling designed for limited rather than primary occupancy and generally located adjacent to or with easy access to recreational areas. The primary purpose for the construction of such a dwelling is to provide shelter during those limited periods of time when

recreation is sought in the adjacent areas.

154. "Recreation vehicle" means a vehicle, with or without motive power, designed and constructed to travel on public streets, and designed for use as a human habitation of a temporary and recreational nature.

155. "Recreational vehicle park (travel trailer park)" means any area or tract of land or a separately designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a temporary time not to exceed thirty (30) consecutive days.

156. "Recreational vehicle space" means a plot of ground within a recreational vehicle park designated and intended for the accommodation of one recreational vehicle.

157. "Right-of-way" means that portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

158. "Roadway width" means the width of the actual surface.

159. "School, private" means a school which is operated by a quasi-public or private group, individual, or organization, and which has a curriculum similar to that provided in any public school in the State of Utah. Private schools may be nonprofit, or profit making establishments.

160. "School, public" means a school operated by a school district or other public agency in the State of Utah.

161. "Sign ordinance" means the sign ordinance of the local jurisdiction.

162. "Site" means a parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.

163. "Site area" means all land area within the site as defined in the deed. Area shall be from an actual survey rather than from a deed description.

164. "Site plan (plot plan)" means a scaled drawing of and information pertaining to a proposed development site.

165. "Stable, private" means a detached accessory building for the keeping of livestock owned by the occupants of the premises and not kept for hire, remuneration, or sale.

166. "Stable, public" means a detached accessory building where horses are boarded and/or kept for hire.

167. "Steep slopes" means areas where the average slope exceeds eight percent (8%) which, because of this slope, are subject to high rates of storm water runoff and therefore, erosion.

168. "Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which are on at least two (2) opposite exterior walls, do not extend more than four feet (4') above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half- story.

169. "Streets (also roads and highways)" means an open way, route or thoroughfare designed and constructed for vehicular traffic. Streets may be public or private. Public streets are those streets which have been dedicated or abandoned to the public and then accepted by proper public authority. All other streets are private streets. Streets may also be classified as to their ability to channel traffic. A minor (or local) street is thus a street, existing or proposed, which serves or is intended to serve the local needs of a neighborhood and is of limited continuity. A collector street is a street, existing or proposed, which is a primary means of access to major streets. A major street, on the other hand, is a street, existing or

proposed, which serves or is intended to serve as a primary traffic artery. Streets are generally identified as to their traffic-carrying role by so designating each street on the major street plan of the local jurisdiction.

170. "Street frontage" means a minor street, which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

171. "Street, half" means a street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as a frontage.

172. "Street, stub" means a street extending from within a subdivision boundary and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

173. "Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, and includes "building."

174. "Subdivider" means any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.

175. “Subdivision" means the division, whether or not concurrent or sequential in time, of tract or lot or parcel of land, into three (3) or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of sale or of building development; provided, that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes of land developed for bona fide commercial, manufacturing, or industrial purposes, all as defined herein. The word "subdivision" and any derivative thereof shall have reference to the term "subdivision" as herein defined. For the purpose of this division, a subdivision of land shall also specifically include:

a. The dedication of a street through or adjacent to a tract of land, regardless of area, which may create a division of lots or parcels constituting "subdivision";

b. Re-subdivision of land heretofore divided or platted into lots, sites, or parcels; or

c. Condominium projects.

176. "Temporary use" means any use of land which, in the determination of the planning commission, shall not extend beyond two (2) years from inception of such land use. A determination as to whether or not a land use is temporary shall be based solely upon facts submitted to the planning commission at the time of application for a conditional use permit for temporary use. Unless found to be temporary, any use of land shall be presumed to be permanent.

177. "Urban services" means those services normally associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, culinary water, sewage collection and treatment facilities, and police and fire protection.

178. "Vicinity map (location map)" means a map or drawing not necessarily to scale, showing where a subdivision, or proposed subdivision, is located.

179. "Vicinity plan" means a map or drawing, to scale, of any area proposed for development, showing existing and proposed streets, buildings, public

facilities and utilities within the general influence area of the proposed subdivision such as one mile radius; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for subdivision; water courses, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for subdivision and significant vegetative patterns on and in the immediate vicinity of the land proposed for subdivision.

180. “Wetlands" means areas known as marshes, swamps, or wetlands, including all areas greater than one-quarter (1/4) acre where standing water is retained for a portion of the year and unique vegetation has adapted to the area.

181. "Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this division.

182. "Yard, front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. (Note: On a corner lot there are two (2) front yards.)

183. "Yard, rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and rear line of the building.

184. "Yard, side" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard is the minimum distance between the side lot line and the side line of the building. (Note: Corner lots do not have two (2) side yards.)

185. "Zoning administrator" means the person designated by the local governing body to enforce the regulations of this division.

186. "Zoning ordinance" means the ordinance of the local jurisdiction which provides for the division of the local jurisdiction into districts, specifies the land uses which may be conducted in each district, and provides regulations for the uses of the land in each district. (Ord. no. 111 (part), 1985; prior code §12-101-43.)

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