

**City of Washington Terrace**  
County of Weber, State of Utah

**ORDINANCE 06-10**

**ZONING ORDINANCE AMENDMENTS**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO CONFORM WITH CHANGES TO STATE LAW; CHANGING VARIOUS LAND USE DESIGNATIONS, REQUIREMENTS, PROCEDURES, AND PROVISIONS; CONSOLIDATING VARIOUS CHAPTERS; REPEALING VARIOUS CHAPTERS; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, the City Council finds it necessary to update its land use ordinances to conform to changes made to state law made during recent sessions of the Utah State Legislature;

**WHEREAS**, the City Council finds it necessary to update its land use ordinances in order to respond to the challenges presented by development occurring in and around the City;

**WHEREAS**, the City Council finds it necessary to update its land use ordinances to protect issues relating to the improvement or preservation of public health, safety, and general welfare;

**WHEREAS**, after publication of the required notice the planning commission held its public hearing on October 26, 2006, to take public comment on the proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the council received the recommendation from the planning commission and held its public meeting on November 14, 2006, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Washington Terrace City as follows:

**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Chapter Consolidation.** Chapters 17.04 and 17.08 are hereby consolidated into Chapter 17.04.

**Section 3: Amendment.** Chapter 17.04 is hereby amended to read as follows:

**Chapter 17.04**  
**General Provisions and Definitions**

**Section:**

- 17.04.010. Purpose.**
- 17.04.020. Interpretation.**
- 17.04.030. Conflict.**
- 17.04. . Definitions.**

**17.04.010. Purpose.**

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering ~~the city's agricultural and other industries~~ economic development, and the protection of both urban and non-urban development.

**17.04.020. Interpretation.**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. For the purpose of this title, certain words and terms are defined as set out in this chapter. [The sentence to follow is moved from old Chapter 17.08 entitled "Definitions"] Words used in the present tense include the future; words in the singular number include the plural and the plural the singular. Words not included herein but defined in ~~the Building Code~~ other codes or titles adopted by the municipality shall be construed as defined therein.

**17.04.030. Conflict.**

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

**Chapter 17.08**  
**Definitions**

**Section:**

- 17.08.010. Generally.** [*"Generally" section moved and added to Section 17.04.020.*]
- ~~**17.08.020. Agriculture.**~~
- ~~**17.08.030. Airport.**~~
- ~~**17.08.040. Airport hazard.**~~
- ~~**17.08.050. Airport landing area.**~~
- ~~**17.08.060. Airport reference point.**~~
- ~~**17.08.070. Airport elevation (established).**~~
- ~~**17.08.080. Alley.**~~

17.08.090. — Apartment hotel.  
17.08.100. — Apartment house.  
17.08.110. — Apartment court.  
17.08.120. — Automobile wrecking.  
17.08.130. — Basement.  
17.08.140. — Boarding house.  
17.08.150. — Building.  
17.08.160. — Building, accessory.  
17.08.170. — Building, height of.  
17.08.180. — Building, main.  
17.08.190. — Building, public.  
17.08.200. — Cabaret.  
17.08.210. — Carport.  
17.08.220. — Cellar.  
17.08.230. — Court.  
17.08.240. — Dairy.  
17.08.250. — Day care center.  
17.08.260. — Dwelling.  
17.08.270. — Dwelling, single-family.  
17.08.280. — Dwelling, two-family.  
17.08.290. — Dwelling, three-family.  
17.08.300. — Dwelling, four-family.  
17.08.310. — Dwelling, multiple-family.  
17.08.320. — Dwelling group.  
17.08.330. — Dwelling unit.  
17.08.340. — Education institution.  
17.08.360. — Frontage.  
17.08.350. — Family.  
17.08.370. — Front lot line.  
17.08.380. — Garage, private.  
17.08.390. — Garage, public.  
17.08.400. — Grade.  
17.08.410. — Handicapped person.  
17.08.420. — Home occupation.  
17.08.430. — Hotel.  
17.08.440. — Household pets.  
17.08.450. — Junk yard.  
17.08.460. — Lodging house.  
17.08.470. — Lot.  
17.08.480. — Lot, corner.  
17.08.490. — Lot, interior.  
17.08.500. — Manufactured home.  
17.08.510. — Mobile home.  
17.08.520. — Motor home.  
17.08.530. — Natural waterways.  
17.08.540. — Nonconforming building or structure.  
17.08.550. — Nonconforming use.

- ~~17.08.560. — Official map.~~
- ~~17.08.570. — Open green space.~~
- ~~17.08.580. — Parking lot.~~
- ~~17.08.590. — Parking space.~~
- ~~17.08.600. — Private.~~
- ~~17.08.610. — Private liquor club.~~
- ~~17.08.615. — Shelters.~~
- ~~17.08.620. — Sign, electronic message display.~~
- ~~17.08.630. — Sign, flat.~~
- ~~17.08.640. — Sign, floodlighted.~~
- ~~17.08.650. — Sign, ground.~~
- ~~17.08.660. — Sign, identification and information.~~
- ~~17.08.670. — Sign, illuminated.~~
- ~~17.08.680. — Sign, name plate.~~
- ~~17.08.690. — Sign, off-premises.~~
- ~~17.08.700. — Sign, political or campaign.~~
- ~~17.08.710. — Sign, projection.~~
- ~~17.08.720. — Sign, property.~~
- ~~17.08.730. — Sign, public necessity.~~
- ~~17.08.740. — Sign, roof.~~
- ~~17.08.750. — Sign, service.~~
- ~~17.08.760. — Sign, temporary.~~
- ~~17.08.770. — Sign, time and/or temperature.~~
- ~~17.08.780. — Sign, wall.~~
- ~~17.08.790. — Standard.~~
- ~~17.08.800. — Story.~~
- ~~17.08.810. — Street, public.~~
- ~~17.08.820. — Street, private.~~
- ~~17.08.830. — Structure.~~
- ~~17.08.840. — Structure alterations.~~
- ~~17.08.850. — Tavern.~~
- ~~17.08.860. — Tourist court or motel.~~

**17.04. . Definitions.**

1. “Abandonment” means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.
2. “Abutting” means The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners.
3. “Access or accessway” means The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.
4. “Accessory structure” means a subordinate structure detached from but located on the same lot as the main structure, the use of which is incidental and accessory to that of the main structure.
5. “Accessory use” means see Use, accessory.
6. “Adequate secondary water” means Secondary water is necessary for development so that culinary water is not used for irrigation. Recognizing that water is a limited resource, there must

- be adequate secondary water for each development. The adequacy of secondary water is determined based upon the duty values prescribed by the Utah Division of Water Rights. This is in order to account for high and low water years. Planning commission, to assure title to water, may require developer to produce a title report and insurance on validity and adequacy of any water shares.
7. “Adjacent” means Nearby, not distant or having a common endpoint or border.
  8. “Affected entity” means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter. Appeal Authority. A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
  3. “Agriculture” means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.
  4. ~~“Airport” means any area of land or water designed and set aside for the landing and taking off of aircraft.~~
  5. ~~“Airport hazard” means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of an airport, or is otherwise hazardous to such landing, taking off or maneuvering of aircraft.~~
  6. ~~“Airport landing area” means the specially prepared surface within the boundaries of an airport designed for aircraft landing and taking off operations.~~
  7. ~~“Airport reference point” means the existing control tower or a point upon which such a tower would normally be erected on an airport.~~
  8. ~~“Established airport elevation” means the elevation, in feet above mean sea level, of the highest point of the land area of an airport.~~
  9. “Alley” means a public thoroughfare less than twenty-six feet wide.
  10. “Altered” means any change in the construction of or addition to a building which would permit an increase in capacity or change of use.
  11. “Ambulatory person” Any individual, including one who uses a cane or other ambulatory support, who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance.
  12. “Amphitheater” means a outdoor structure that supports an audience to conduct performances or entertainment that does not interfere with the integrity of any surrounding residential uses.
  13. “Amendment” means In reference to this title, a change in the wording or substance of this title, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.
  14. “Animals” means common household pets, domesticated and kept for pleasure rather than utility,

- including but not limited to birds, cats, dogs, fish, hamsters, mice, and similar animals.
15. “Animal hospital” (see also Veterinary Hospital) means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals.
  16. “Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.
  17. “Antique” means a product or other item of personal property that is sold or exchanged because of value derived, in whole or in part, because of its age, and not simply because the same is not a new product.
  18. “Appeal” means an action brought under state law or ordinance, according to the procedures thereof, by an aggrieved party before the appropriate authority seeking a redress from a prior decision.
  19. ~~“Apartment hotel” means any building which contains dwelling units and also satisfies the definition of a “hotel” as defined in this chapter.~~
  20. “Apartment house” means a multiple dwelling. See “dwelling, multiple-family.”
  21. ~~“Apartment court” means any building or group of buildings which contains dwelling units, and also satisfies the definition of a “tourist court,” as defined in this chapter.~~
  22. “Architectural drawings” means front, side and rear view drawings of a building or structure, prepared to scale, including all dimensions, architectural details, colors and materials.
  23. “Architectural standards” means standards for the aesthetic appearance of a building structure or sign, including design, exterior detail, color and materials.
  24. “As-built plans” means improvement plans for which all construction or installation has been completed and any deviations in the initially approved improvement plans are shown in a contrasting pattern or pen weight and called out on the plan. A Utah Registered Civil Engineer, upon completion of said improvements, certifies on the drawings, that the contained as-built plans are as the construction and/or installations have been completed.
  25. “Automobile service station” means any building or premises used primarily for automobiles for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building or structure, but excluding body and fender work, engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving the creation of a nuisance to adjacent property.
  26. “Automobile repair/auto body shop (non-mechanical)” means any building, structure or premises used for the external/non-mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.
  27. “Automobile repair” means a mechanical shop, building, structure or premises used for the mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of mechanical repairs of automotive vehicles within an enclosed structure.
  28. “Automobile wrecking” means see “junk yard.”
  29. “Bar or cocktail lounge” means an establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.
  30. “Basement” means a story partly under ground approved for human habitation, and having at

- ~~least one-half its height above grade. A basement shall not be counted as a story, for purposes of height measurements.~~
31. “Boarding house” means a building with not more than five guest rooms, where, for compensation, meals are provided for at least five but not more than fifteen persons.
  32. “Bed and breakfast dwelling” means an owner-occupied dwelling in which not more than two (2) rooms are rented out by the day, offering overnight lodgings to travelers, and where the host family provides one or more meals, the price of which may be included in the room rate.
  33. “Bed and breakfast inn” means an owner or host family occupied dwelling in which not more than five sleeping rooms are rented out by the day, offering overnight lodging to travelers with one or more meals provided by the host family, the price of which is included in the room rate.
  34. “Bed and breakfast hotel” means an owner or host occupied building in which at least 6 but not more than 20 guest rooms are rented out by the day offering over-night lodging accommodations and service to travelers with one or more meals provided, the price of which is included in the daily room rate.
  35. “Board of adjustment” means the official body designated by the City to hear and decide appeals for variance and special exceptions from the terms of the zoning ordinance or other purposes as defined by this ordinance.
  36. “Buffer area” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
  37. “Building” means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, personal property, furniture, real property, etc.
  38. “Building area” means The total area, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings and structures, exclusive of uncovered porches, terraces and steps. Decks over two and one-half feet (2 ½') from the ground, and covered porches, are included in the building area.
  39. “Building attached” means A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.
  40. “Building detached” means A building which is separated from another building or buildings on the same lot.
  41. “Building footprint” means the area of the primary structure measured from the outside walls (excluding any overhanging portions) which includes indoor uses, such as attached garage, carport, utility room, laundry, etc. (including covered patios and breezeways), which are an integral part of the roof structure of the structure.
  42. “Building, accessory” means a detached subordinate building clearly incidental to, and located upon the same lot occupied by, the main building.
  43. “Building, height of” means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and the ridge of a pitch or hip roof.
  44. “Building, main” means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot.
  45. “Building permit” means A permit required for erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the municipality, as more fully defined in the international building code adopted by the city council.
  46. “Building, public” means a building owned and operated, or owned and intended to be operated, by a public agency of the United States or Utah State, or any of their subdivisions.
  47. “Building principal” means A building, or buildings, in which is conducted the principal use of

- the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.
48. “Building setback” means The minimum distance as prescribed by this title between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto. (See definitions of Yard; Yard, Front; Yard, Rear Corner; Yard, Rear Interior; Yard, Side Corner; and Yard, Side Interior)
49. “Cabaret” means a business establishment open to public patronage where food and drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance. The term “cabaret” is inclusive of night clubs.
50. “Campground” means a private, public or semi-public open area with sanitary facilities for overnight or camping and may include the overnight parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.
51. “Carport” means a private garage not completely enclosed by walls or doors. For the purpose of the title, a carport shall be subject to all of the regulations prescribed for a private garage, except where specified in the R-1-6 regulations. A carport should be completely open on two sides.
52. “Crawl space” means a story not fit or approved for human habitation, but serves as a service access with approximately ~~having more than~~ one-half of its height below grade. Such space may also be referred to as a “cellar” and shall not be counted as a story for the purpose of height measurement.
53. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.
54. “Church” means a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a “public building.”
55. “City Council or Council” means The mayor and council of Washington Terrace City, Utah.
56. “Classroom” means An area of space located within a commercial or residential structure or other structure accessory thereto, excluding nurseries and daycare use, which is utilized in bringing two (2) or more persons together for the purpose of instruction, supervision, care, recreation or other such uses. The number of classroom occupants is governed by the minimum egress and access requirements pertaining to classrooms as set forth in the adopted edition of the international building code.
57. “Clearing” means The removal and disposal of all obstructions, such as fences, walls, foundations, buildings and existing structures, and accumulations of rubbish of whatever nature. Also the substantial removal of trees, shrubs, cacti, and other indigenous vegetation, but not including grass and weeds considered to be a potential fire hazard.
58. “Clinic, medical/dental” means a building wherein a staff of one (1) or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.
59. “Club or fraternal lodge/organization, private” means a non-profit association of persons who are bonafide members which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests.
60. “Clubhouse” means A building, located on a golf course with nine (9) or more holes, that contains one or more of the following facilities: pro shop for the retailing of clothing and golf accessories; the golf course's own cart rental and maintenance facility (does not include golf cart sales and the maintenance of golf carts not rented by the golf course); restaurant with or without

- alcoholic beverage service; and the golf course's administrative office.
61. “Cluster development” means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, or other approved purposes, for common open space and/or preservation of environmentally sensitive areas.
62. “Cluster subdivision” means (See Rural Residential Subdivision).
63. “Commercial use” means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
64. “Commission” means The planning commission, or its successor, of Washington Terrace City.
65. “Common open space” means (See open space, common).
66. “Communications tower” means tower which supports or contains communications antennas or related equipment of one of the following types: a) guyed tower: a tower requiring guy wires or other stabilizers for support, b) lattice tower: a self-supporting multiple sided steel frame tower, or a c) monopole tower: a self-supporting tower consisting of a single pole without guy wires or stabilizers.
67. “Community corrections facility” means A facility which provides lodging and meals and, primarily, counseling, treatment and rehabilitation to adjudicated delinquents, parolees and individuals in prerelease (transitional) or diversionary programs from correctional institutions.
68. “Compatible” means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.
69. “Conditional use” means a use, because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent and compatible with other existing or permissible uses in the same districts, and to assure that such uses shall not be adverse to the public interest.
70. “Condominium” means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
71. “Condominium dwelling unit” means an individual living/dwelling unit located within a residential condominium project.
72. “Condominium rental apartment” means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.
73. “Conference/education center” means a facility which has been planned, developed and constructed for the purpose of conducting personal, business and professional development of a company’s, corporation’s, or governmental agency’s employees, for example, by scheduling uses such as training workshops, seminars, retreats and similar type meetings. Such facility may be used for day use only or may be planned with overnight accommodation.
74. “Conservation easement” means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or

- wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.
75. “Contiguous” means In actual contact.
76. “Convalescent home” (See also nursing home) means a facility for the care of children, the aged, infirm, or convalescent of any age.
77. “Convenience store” means any retail establishment offering for sale prepackaged food products, household items, and other goods that are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.
78. “Corral” means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.
79. “County” means Weber County, Utah.
80. “Court” means an unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
81. “Crest of hill” means the highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one crest of hill.
82. “Cul-de-sac” means a minor street provided with a turn-around.
83. “Culinary Water Authority” means The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
84. “Dairy” means a commercial establishment for the manufacture or processing of dairy products.
85. “Day care (adult) facility” means any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight (8) hours per day.
86. “Day care center” means any building or structure, other than an occupied residence, furnishing care, supervision and guidance for three or more children unaccompanied by parent or guardian for periods of less than twenty-four hours per day; or an occupied residence furnishing care, supervision and guidance for six or less children unaccompanied by parent or guardian for periods of less than twenty-four hours per day. Occupied residence shall refer to being used as a residence by a family. The term “day care center” is inclusive of kindergartens, preschools, child day care, nursery schools, and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.
87. “Day care” means the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term “day care” is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the Public School System.
88. “Day care (child) center” means a building or structure, other than an occupied residence, where care, protection and supervision are provided.
89. “Day care (child) home” means an occupied residence where care, protection, and supervision are provided to no more than eight (8) children at one time, including the care giver’s children under six (6) years of age.
90. “Density” means The number of dwelling units permitted per net acre of land.
91. “Disability” or person with a disability” ~~“Handicapped”~~ means a person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of either, which is likely to continue indefinitely, and which results in a substantial functional limitation in

- three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.
92. “Disturbance” means Clearing, grubbing, excavation and/or filling.
93. “Drive-in restaurant” means Any establishment primarily where food or beverages are dispensed and are primarily consumed in the patron's vehicle.
94. “Drive-in theater” means An open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.
95. “Development” means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.
96. “Development master plan” means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include Planned Residential Unit Development, Clustered Subdivision and planned Commercial development.
97. “Dwelling” means any building or portion thereof which is designed for use for residential purposes, except hotels, apartment hotels, boarding houses, lodging houses, tourist courts and apartment courts.
98. “Single-family dwelling” means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit.
99. “Two-family dwelling” means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.
100. “Three-family dwelling” means a building arranged or designed to be occupied by three families, the structure having only three dwelling units.
101. “Four-family dwelling” means a building arranged or designed to be occupied by four families, the structure having only four dwelling units.
102. “Multiple-family dwelling” means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels but not including tourist courts.
103. “Dwelling group” means two or more dwellings arranged around a court.
104. “Dwelling unit” means one or more rooms in a dwelling, apartment hotel or motel, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.
105. “Easement” means A specified area on a lot or parcel of land reserved or used for the location of and/or access to, utilities, drainage or other physical access purposes, or for preservation of undisturbed terrain for the benefit of the general public. An easement also includes private rights of way that one property owner grants to another party to use the grantor's property for the grantee's purposes, such as, but not limited to, access to the grantee's property.
106. “Electronic communications facilities and equipment” means As used in this Title, refers only to low power radio transmission and not to other forms of telecommunication technologies and generally consists of an antenna for transmitting or receiving electromagnetic radiation as authorized by the Federal Communications Commission, and a communication tower

- which supports or contains the antenna(s) and related communications equipment.
107. “Elderly” means A person who is sixty five (65) years of age or older.
108. “Erect” means To build, to build upon, to add to, to alter, to construct, to reconstruct, to move upon, or to undertake any other physical operations on the land, which is required for a building or structure.
109. “Excavation” means The removal of earthen material, resulting in a lowering of the grade at the location.
110. “Education institution” means a public elementary or secondary school, seminary, parochial school or private educational institution having a curriculum similar to that ordinarily given in grades one through twelve in the public school system. The term “education institution” for the purpose of this title does not include post-high-school education facilities.
111. “Family” means one or more persons related by blood, marriage or adoption, plus domestic servants employed for service on the premises, or a group of bachelors or bachelorettes, not more than four persons, who need not be related, living together as a single nonprofit housekeeping unit.
112. “Fence” means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, which is used as a boundary or means of protection or confinement.
113. “Filling” means The dumping or depositing of earthen material resulting in the raising of the grade at that location.
114. “Flea market” means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new, used, handmade, homegrown, hand-crafted, obsolete or antique items for sale to the general public, not to include private garage sales.
115. “Floor area, gross” means the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.
116. “Frontage” means all the property fronting one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, dead-end street, or political subdivision boundary, measured along the street line. The end of a stub street shall not be construed to be frontage on a street. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
117. “Front lot line” means the property line of the lot toward which the front line of a main building faces or may face, and which abuts a public dedicated street, a right-of-way approved by the board of adjustment, or a street made public by right of use.
118. “Private garage” means an accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory, and in which no business, commercial service or industry is carried on, provided that on a lot occupied by a multiple-dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units in the multiple-dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

119. “Public garage” means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.
120. “Garbage” means any non-hazardous, non-medical solid waste.
121. “Garage sale” means A sale held by up to four (4) separate owners or occupants of property in a residential zone held at one of the properties to sell used property which the owners or occupants formerly used at their properties.
122. “General plan” means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Utah Code Annotated sections 10-9-301 and 10-9-302. "General plan" includes what is also commonly referred to as "master plan".
123. “Geotechnical terms” mean: a) active fault: a seismic (earthquake) fault displaying evidence of surface displacement along one or more of its traces during Holocene time (approximately 10,000 years), b) active landslide: a landslide that is known to have moved or deformed and which has not been proven to be stable by a geotechnical investigation, c) aquifer: a geological unit in which porous and permeable conditions exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water, d) aquifer recharge area: an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater, e) critical facilities: lifelines, such as major communication, utility and transportation facilities and their connection to emergency facilities, unique or large structures whose failure might be catastrophic, such as dams or buildings where explosive, toxic or radioactive materials are stored or handled, high occupancy buildings such as schools, hotels, offices, emergency facilities, such as police and fire stations, hospitals, communication centers and disaster response facilities, f) engineering geology: the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice, g) fault: a fracture in the earth’s crust forming a boundary between rock or soil masses that have moved relative to each other, h) fault trace: the intersection of the fault plane with the ground surface, i) fault zone: a corridor of variable width along one or more fault traces, j) geotechnical report: a technical report or study prepared by a geotechnical professional who is qualified in the field of expertise examined and analyzed in such a report. A person shall be considered “qualified” upon presentation of credentials providing recognition in the professional field, an academic degree from an accredited college or university in geology, geotechnics and/or geotechnical engineering, k) landslide: a general term for the down slope movement of a mass of soil, surficial deposits or bedrock, l) liquefaction: a process by which certain water saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure.
124. “Glare” means a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.
125. “Golf course” means A parcel or portion of a parcel of land used for the playing of golf, including driving ranges, and all uses incidental to the principal use, but not including miniature golf.
126. “Grade” means:
- A. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street;
  - B. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets;
  - C. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not

- more than five feet from a street line are to be considered as adjoining a street.
127. “Grade, finished” means final elevation of the ground surface conforming to the approved grading plans.
128. “Grade, natural” means elevation of the natural or undisturbed ground surface prior to any grading operation. If “natural grade” can no longer be determined, then the grade elevation existing as shown on the most recent topographical map of the municipality. If a parcel of land is not shown on the topographical map, “natural grade” shall be as shown on a topographical map that is acceptable to the city engineer.
129. “Grading” means the process of changing gradients of land by contouring, smoothing or otherwise shaping land areas by excavating or filling, or a combination thereof.
130. “Grocery store” means a store for the retail sales of food and household goods.
131. “Group home” means a residential facility for elderly persons or persons with a disability consistent with the zoning of the desired location, that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer individuals in a family type arrangement and in conformance with applicable standards of the Utah department of social services.
132. “Guest house” means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease or sale of the main dwelling.
133. “Hazardous waste” means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transferred, disposed of, or otherwise managed.
134. “Hazardous waste disposal facility” means a facility approved by the Environmental Protection Agency (EPA) for the treatment, permanent storage, or disposal of hazardous waste in any fashion so as to prevent contaminants in excess of EPA guidelines from migrating off the facility or into the environment.
135. “Historic district” means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
136. “Historic site” means a structure and/or a site in or on which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
137. “Home day care center” means A residential facility in which care for nonresidents is provided for periods of less than twenty four (24) hours per day, for nine (9) or less people without a conditional use permit and ten (10) to twelve (12) people with a conditional use permit.
138. “Home occupation” means see Chapter 5.20 of this code.
139. “Homeowner’s association” means a formally constituted private, non-profit corporation made up of the property owners and/or residents of a fixed area for the purpose of owning, operating, and maintaining various common properties and/or facilities.
140. “Horses, for private use” means Horses maintained by occupants of dwellings for riding purposes of a noncommercial nature.
141. “Hospital or out-patient facility” means any building or portion thereof used for the

- accommodation and medical care, including surgical care, of the sick, injured or infirm persons and including sanitariums, alcohol or drug rehabilitation facilities, or institutions for the treatment of emotional illnesses.
142. “Hotel” means a building designed for or occupied as the more or less temporary abiding place of sixteen or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.
143. “Household pets” means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not constituting more than two dogs or two cats as outlined in Title 6.
144. “Industrial park” means a planned, coordinated development for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest with an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may have condominium ownerships, or a combination of these types.
145. “Incinerator” means any enclosed device using controlled flame combustion for the incineration, burning, or reduction on non-hazardous and/or non-medical solid waste.
146. “Independent living facility” means specially planned, designed and managed multi-unit housing with self-contained living units. A retirement community for Senior Citizens, age 55 or older, designed to provide supportive environments, but also to accommodate an independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation and social/recreational activities, may be provided; however, no medical services are provided.
147. “Individual” means Any private individual, tenant, lessee, owner or any commercial entity, including, but not limited to, companies, partnerships, joint ventures or corporations.
148. “Junk yard” means the use of any lot, portion of lot, or tract of land for the storage of salvage materials, keeping or abandonment of junk, including scrap metals or materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; providing that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.
149. “Kennel” means the land or buildings used in the keeping of four (4) or more dogs, at least four (4) months old.
150. “Kitchen” means Any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.
151. “Land Use Application” means An application required by a municipality's land use ordinance.
152. “Land Use Authority” means A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.
153. “Land Use Ordinance”. A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.
154. “Landscaping” means An area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement, except for pedestrian walkways.
155. “Landscape plan” means detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings; ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt; number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any

- blow-out or winterizing system; location, type and size of any existing trees over 4" caliper; location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.
156. "Laundry, Self-Service" means A building within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry or dry cleaning. "Self-service laundry" does not include outdoor drying facilities.
157. "Loading and Unloading Spaces "means A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten feet (10') in width, twenty feet (20') in length, and fourteen feet (14') in height.
158. "Lockout sleeping room" means a sleeping room in a dwelling, dwelling unit, condominium unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hot plate, which may be rented independently of the main unit for nightly rental by locking interior access. A lockout sleeping room shall not be sold independently from the main dwelling unit.
159. "Lodging house" means a building where lodging only is provided for compensation to five or more, but not exceeding fifteen, persons.
160. "Lot" means a parcel of land occupied or capable of being occupied by a permitted use, building or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other area required by this title, having frontage upon a "public" street, "approved private" street or upon a right-of-way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.
161. "Lot area" means The total horizontal area within the lot lines of a lot.
162. "Corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
163. "Interior lot" means a lot other than a corner lot.
164. "Lot, non-conforming" means a lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.
165. "Lot coverage" means That portion of a lot or parcel which is occupied by any building or other covered structure, excepting paved areas, walks and swimming pools.
166. "Lot depth" means The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.
167. "Lot, flag" means A flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.
168. "Lot frontage" means the horizontal length of the front lot line.
169. "Lot, inside gore shaped" means Any inside lot, the interior lines of which converge towards the rear thereof. For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore shaped inside lot, in which case the interior lines of the same shall be designated as side lot lines, and the rear lot lines shall be determined the same as required for inside lots.
170. "Lot, inside other than rectangular" means A. A yard extending across the full width of a lot between the most rear of the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building to the nearest part of a rear lot line.  
B. On the lots that are other than rectangular in shape, the required minimum rear yard may be an

- average of the distances measured from the rear corners of a dwelling to the nearest point of the rear lot line, however the shortest distances used in determining the average may be not less than fifteen feet (15').
171. “Lot line” means The line bounding a lot.
172. “Lot line, front” means In the case of an interior lot, a line separating the lot from the street right of way. In the case of a corner lot, the shorter of the two (2) lot lines adjoining a street right of way.
173. “Lot line, rear” means A lot line which is opposite and most distant from the front lot line. In the case of a lot having five (5) or more sides, the rear lot line shall be any lot line, other than the front lot line, which intersects a side or a street side lot line at any angle less than one hundred thirty five degrees (135°).
174. “Lot line, side” means Those lot lines other than a street side lot line that connects the front and rear lot lines.
175. “Lot line, street side” means That lot line or lines on a corner lot adjoining a street right of way that connects the front lot line to a rear lot line.
176. “Lot, through” means A lot which has street right of way frontage on two (2) nonadjoining sides.
177. “Lot width” means For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty feet (30') behind the required minimum front yard line on a line parallel to the street or street chord.
178. “Manufactured home” means a structure built after June 16, 1976 to the required standard, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Modular or pre-built homes conforming to the Uniform Building Code and presently regulated by the Department of Housing and Urban Development, which are not constructed on a chassis, are exempt from this definition.
179. “Manufacturing” means The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.
180. “Massage establishment” means Any establishment where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any "massage activities", defined as any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance.
181. “Master planned village” means A development containing over two hundred (200) contiguous acres contained in a master subdivision plat by a single developer.
182. “Master planned village sales and informational area” means A facility that is used as an information/sales facility by the developer of a master planned village. All master planned village sales and information centers shall comply with the version of the international building code in effect at the time the center is constructed.
183. “Minimum vegetation area” means the minimum area required to be vegetated to comply with the open space requirements of the city.
184. “Marquee” means a Marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building’s wall and generally designed and constructed to provide protection against the weather.

185. “Marquee sign” means any sign attached to and made part of a marquee.
186. “Medical waste” means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals.
187. “Medical waste disposal facility” means any facility designed to treat, permanently store, incinerate, and/or otherwise destroy medical waste in any manner within EPA guidelines, or in harmony with prevailing health codes and other local restrictions.
188. “Mobile home” means a structure built after June 16, 1976 to the required standard, transportable in one of more sections, which is eight body feet or more in width and thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
189. “Modular home” means a factory-built structure that is constructed in compliance with the city’s adopted building codes, transportable in one or more sections, built on a permanent chassis and designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities. A modular home meeting the requirements of this title shall be classified as a dwelling.
190. “Motel, motor hotel, motor inn” means a building containing lodging rooms having adjoining individual bathrooms and where the lodging rooms are not entered from a common entrance lobby and where more than fifty (50) percent of the lodging rooms are for rent to transient guests.
191. “Motor home” means a self-propelled vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer and a van.
192. “Multi-tenant complex or shopping center under ten acres” means A building or a complex of buildings on a single site, less than ten (10) acres, having uniform management and at least six (6) potential tenants with exclusive access and independent operation.
193. “Museum” means an establishment operated as a repository for a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.
194. “Native vegetation” means Indigenous plant materials of northern Utah.
195. “Natural” means The condition of the land, vegetation, rocks and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.
196. “Natural waterways” means those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the building official and in which areas no buildings shall be constructed.
197. “Nightly rental” means the rental of a sleeping room, apartment, dwelling unit or dwelling for time periods of less than 30 days.
198. “Nonconforming building” or “nonconforming structure” means a building or structure, or portion thereof, lawfully existing at the time the ordinance codified in this title became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.
199. “Nonconforming building lot” means A parcel of land of record with frontage on a public street that was held in separate ownership from adjacent property on the effective date of the Ordinance codified herein, the dimensions of which do not meet the minimum requirements for a building

- lot in the zone in which it is located. Adjacent properties in the same ownership at the time of the adoption of the Ordinance codified herein, but described separately, shall be considered one lot for the purpose of the Ordinance codified herein.
200. “Nonconforming use” means a use which lawfully occupies a building or land at the time the ordinance codified in this title became effective, and which does not conform with the use regulations of the zone in which it is located.
201. “Non-developable area” means an area where, due to topographic (e.g. over 30% slope), or hazardous conditions (e.g. earthquake, landslide, wetlands, or flood plain), as regulated by the municipal code, or other land is not considered to be suitable for construction of residential, commercial, or manufacturing buildings or structures.
202. “Nuisance” means Any thing, condition or use of property which endangers life or health, gives offense to the senses and/or obstructs the reasonable and comfortable use of other property.
203. “Nurseries” means building, structures and/or facilities for the growth and sale of plants and/or for the utilization of and storage of equipment for landscaping operation and wholesale and/or retail or commercial gardening supplies.
204. “Nursing home” (See also Convalescent home) means a building, structure and /or facility for the care of children, the aged, infirm, or convalescent of any age.
205. “Off street parking and loading facilities” means A site or a portion of a site devoted to the off street parking of motor vehicles, including parking spaces, aisles and access driveways.
206. “Office” means a building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.
207. “Office park” means a tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics and compatibility.
208. “Official map” means any map adopted by the city council under the provisions of UCA 10-9-23 as amended.
209. “Open green space” means an open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open green space may be traversed by necessary sidewalks and access rights-of-way.
210. “Open meeting” means A meeting held in conformance to the Utah open meeting law as contained in Utah Code Annotated sections 10-3-601 through 10-3-610, and sections 52-4-1 through 52-4-10.
211. “Open space, common” means open space within or related to a development, which is not held in individually owned lots or dedicated for public use, but which is owned in common by the owner’s association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.
212. “Ordinary high water mark” means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.
213. “Outdoor storage” means The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty four (24) hours.
214. “Overlay district” means a zone district that encompasses one or more underlying zones with additional requirements or special regulations and allows special flexibility in planning the use, site layout and infrastructure design above that required by he underlying zone. These special

- requirements shall take precedence over the provisions of the underlying zone.
215. “Park” means A public or private parcel of land developed and used for passive or active recreation.
216. “Parking lot” means an open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers, designed so that access to the parking spaces in the lot is by means of private interior roadways or alleys and not by direct access from a public street.
217. “Parking space” means space within a building, lot or parking lot for the parking or storage of one automobile.
218. “Permitted use” (See Use, permitted).
219. “Planned residential unit development” means A development on a site of five (5) or more acres in size, containing one-family, two-family, three-family, four-family or multiple-family dwellings, or combination thereof, together with such recreational areas, open spaces and other facilities as permitted in the zone in which the development is located and meeting the requirements of chapter 11 of this title.
220. “Planning commission” means The Washington Terrace City planning commission.
221. “Plot plan” means A plat of the lot drawn to scale showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.\
222. “Pre-school home occupation” means An activity conducted within a residence for the care, whether or not for compensation, of up to twelve (12) children at any one time, for less than four (4) hours, other than members of the family residing on the premises.
223. “Principal building” (See building, main).
224. “Principal use” (See use, main).
225. “Private” means for use of the occupant, his friends and guests and not for the purpose of remuneration, hire or sale or any other commercial use, nor use by an ad hoc informal association or group for the purpose of circumventing this limitation.
226. “Private liquor club” means a private nonprofit association organized pursuant to the provisions of UCA 32A, which (a) is organized for the main purpose of on-premises consumption of liquor by the membership; (b) maintains a board or committee authorized to control and conduct the business and social affairs of the association; and ©) is frequented only by members who are regular dues-paying persons with full club privileges and their duly authorized guests.
227. “Professional office” means Any building, structure, or portion thereof, used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist or other similar professions.
228. “Public hearing” means A hearing held to receive public testimony or comment as required by law or at the direction of the planning commission or city council.
229. “Public meeting” means meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.
230. “Public utility” means Private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.
231. “Qualified professional” means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.
232. “Recreation” means The act of reinvigorating one's self through play or amusement solely for personal, physical or mental benefit and not for, or as part of, a business enterprise.

233. “Recreational facilities” means Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.
234. “Recreational resort” means a planned development which may consist of a combination of nightly or weekly lodging facilities and/or rental units and/or owner occupied dwelling units, and may include such support facilities as restaurants, gift shops, and personal service facilities (e.g., beauty shop, barber shop, boutique, massage salon); all development of which is designed around a recreational theme and shall offer a variety of outdoor and/or indoor recreation facilities and activities on-site which are designed to attract visiting, as well as, local vacationers as a site destination because of the recreational attractions, both on and off-site, as well as offering an attractive, vacation type atmosphere.
235. “Recreational vehicle” means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to: travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.
236. “Residential facility for elderly persons” means a single-family or multi-family dwelling unit that meets the requirements of Chapter 8 of this Ordinance.
237. “Residential facility for handicapped persons” means a single-family or multiple family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.
238. “Residential facility for troubled youth” means a residential facility that is occupied on a 24-hour basis by no more than eight (8) qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the State Department of Human Services.
239. “Restaurant” means an establishment whose primary business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated within the building. This includes cafes, tearooms and outdoor cafes.
240. “Restaurant, drive-in” means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
241. “Restaurant, fast food” means an establishment offering quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or girdled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer’s table, and food is generally served in disposable wrapping or containers.
242. “Retail store” means A commercial business for selling goods, services, wares or merchandise directly to the consumers, but not including a professional office.
243. “Retaining wall” means A wall or terraced combination of walls used to retain earth, but not directly supporting the wall of a building, including stacked rock and imbedded boulder walls.
244. “Revegetation” means The replacement of indigenous living plant materials on areas where the natural vegetation has been removed. The areas include disturbed natural areas and manmade cut and fill slopes.

245. “Right of way (row)” means Includes any public or private right of way and includes any area required for public use pursuant to any official plan.
246. “Ridge line area” means the crest of a hill, as herein defined, or slope plus the land located within one-hundred (100) feet horizontally (map distance) on either side of the crest.
247. “Road, private” means A thoroughfare held in private ownership and controlled, serviced and maintained by one or more private persons, firms or corporations and used or held for use primarily as a means of access to adjoining property.
248. “Sanitary sewer authority” means The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
249. “Satellite Dish Antenna” means A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based stations. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, television reception only (TVROs), and satellite microwave antennas.
250. “School, Elementary, Junior High, High School, College or Junior College” means Institutions conducting regular academic instruction at kindergarten, elementary, secondary, and post high school levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the state board of education or the state board of regents.
251. “School, preschool” means A school or the use of a site or a portion of a site for an organized program devoted to the education of five (5) or more children younger than elementary school age, other than those residents on the site.
252. “School, private or parochial” means An institution conducting regular academic instruction at kindergarten, elementary, secondary, and post secondary levels operated by a nongovernmental organization.
253. “School, trade” means Facilities offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians, technical certification schools and similar commercial establishments.
254. “Screen” means a wall, partition, fence or hedge for separation of one land use from another.
255. “Screening” means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
256. “Sensitive lands overlay map” means the map adopted by the municipality showing sensitive lands in the municipality, within which sensitive lands investigations are generally required prior to development. The map identifies areas that may be affected by a particular type of sensitive lands.
257. “Service accessory use” means A use of the land in conjunction with a business that is clearly incidental and secondary to the use of the dwelling for dwelling purposes. The accessory uses of the land are in a location, of a size and screened so as to create minimal adverse impact on current and future land uses of adjoining property. The storage of any motorized equipment shall be in operable order. At no time will junked or inoperable equipment or vehicles be allowed.
258. “Service station” means An occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including, automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

259. “Setback” means The shortest horizontal distance between the boundary line of the lot and the building or structure or part thereof.
260. “Sexually oriented business” means A business defined in section 11-20-2 of this title.
261. “Shopping center” means a group of three (3) or more separate commercial establishments which share the same site, with common facilities including parking, ingress/egress, landscaping and pedestrian malls which function as a unit. Distinguishing characteristics of a shopping center may, but need not, include common ownership of the property upon which the center is located, common wall construction, and multiple occupant commercial use of a single structure.
262. “Short-term occupancy” means The length of stay at a recreational vehicle park shall be no greater than:  
A. Fifteen (15) days for all travel trailers and campers (self-contained vehicles).  
B. Seven (7) days for tent campers.
- [All definitions for signs are hereby renumbered under the sign regulations of Chapter 17.56]*
263. “Slope” means the level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slope shall cover at least twenty-five (25) feet vertically and fifty (50) feet horizontally.
264. “Solid waste” means any household garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities.
265. “Special district” means an entity established under the authority of Utah Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.
266. “Standard” means a standard adopted by the American National Standards Institute or the National Fire Protection Association, for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after the above date, "standard" means the standard adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 and as amended from time to time.
267. “Steep slope” means slopes greater than fifteen (15) percent, but less than or equal to forty (40) percent.
268. “Stockyard” means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens and railroad facilities.
269. “Story” means the space within a building included between the surface of any floor and the surface of the ceiling next above.
270. “Story, half” means A story with at least two (2) of its sides situated in a sloping roof, with the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.
271. “Streams” means the flow of water on land, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.
272. “Stream corridor” means the water’s passageway defined by the stream’s ordinary high water mark.
273. “Stream banner sign” means any banner sign that is stretched across and hung over a public right-of-way.
274. “Street” means the entire area within a public right of way, established by:

- A. Deed or conveyance;  
B. Dedication to the public (and accepted by proper public authority) by the owners thereof;  
C. Dedication to the public by continuous use as a public thoroughfare for a period of ten (10) years; or  
D. Dedication to the public by the federal city site act of 1867 or similar law, statute or ordinance, which affords the principal means of access to abutting property.
275. “Street, cul-de-sac” means a single dead end street terminating with a permanent turnaround bulb that meets the Washington Terrace City public works standards.
276. “Street line” means the boundary line between street right of way and abutting property.
277. “Public street” means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-six feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.
278. “Private street” means a thoroughfare which has been dedicated to the abutting land owners for joint private access to private property and accepted and approved by the city council.
279. “Structure” means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.
280. “Structure alterations” means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.
281. “Subdivision” means Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes: a) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and b) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.
282. “Suitability determination” means a study carried out under the direction of the Planning Commission to ascertain if a development at increased densities due to a density transfer from a sensitive area is compatible with development on surrounding or adjacent property.
283. “Supermarket” means a store for the retail sale of food and household goods with additional services within the building, such as banking, dry cleaners, real estate sales office, and insurance sales.
284. “Swale” means a low flat depression to drain off excess water.
285. “Swimming pool” means Any permanent structure, containing or intended to contain water eighteen inches (18") or more in depth and/or eight feet (8') or more in width at any point.
286. “Tavern” means any business establishment where the main purpose is for the sale of beer and mix for drinks to public patrons, and the revenue from the sale of such beverages exceeds the revenue from the sale of food. The term "tavern" is inclusive of beer parlors and lounges.
287. “Temporary use” means a prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.
288. “Temporary vehicle storage facility” means Any land or building used for the temporary storage of abandoned, wrecked or legally impounded automobiles, boats, recreational vehicles, or other vehicles regardless of running condition. Such a facility is not a facility where dismantling of any vehicle, the storage of any vehicle parts, the retailing or wholesaling of any vehicle or vehicle parts may take place.

289. “Tenant” means Primary occupant (i.e., owner, lessee or renter) who has the operation or temporary possession of space in a commercial building, or rents or leases from a landlord.
290. “Travel trailer park” means A parcel of land under single ownership, where one or more spaces are rented or leased or held out for rent or lease to persons for occupancy of travel trailers, whether or not a fee is charged for the use of the space.
291. “Travel trailer space” means That part of a travel trailer park rented for the exclusive use of the occupants of a single travel trailer. The travel trailer space shall include the exclusive adjoining park space and the required open space around the travel trailer.
292. “Treatment Center” means Facilities providing lodging and meals, and primarily treatment, training or education as a part of an alcoholism or drug addiction program.
293. “Twin home” means Two (2) single-family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.
294. “Usable open space” means Open space which can be enjoyed by people outside of structures. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment or cannot be used for recreation.
295. “Use” means The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged, or for which either a site or structure is or may be occupied and maintained.
296. “Tourist court” or “motel” means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges.
297. “Towner” means a structure situated on a nonresidential site that is intended for transmitting or receiving television radio or telephone communications, excluding those used exclusively for dispatch communications.
298. “Trailer camp or trailer court” means any area or tract of land used or designed to accommodate two (2) or more travel trailers, recreational vehicles or camping parties.
299. “Travel trailer” means a vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a legally licensed and registered motorized vehicle: a) designed as a temporary dwelling for travel, recreational and vacation use; and b) when factory-equipped for the road, having a body width of not more than eight feet and a body length of not more than thirty-two (32) feet.
300. “Troubled youth” means any individual, male or female, between the ages of ten and eighteen years of age who by virtue of their arrest, detention or supervision by the Utah State Department of Human Services for offenses other than aggravated assaults, arson, or sex offenses generally and who do not suffer from psychiatric problems which would render them a danger to themselves or others, qualify for placement in homes for troubled youth as determined by the Utah State Department of Human Services.
301. “Use, accessory” means a use incidental to and on the same lot as a principal use; is clearly incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building or a principal use; is subordinate in area, extent or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served.
302. “Use, conditional” means a use or occupancy of a building, or use of land permitted by the

- Planning Commission as a “Special Exception” only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in Chapter 23 intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.
303. “Use, main” means the principal use of land or structures, as distinguished from a secondary or accessory use.
304. “Use, permitted” means any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.
305. “Use, prohibited” means Any use not specifically permitted or permitted by a conditional use permit is prohibited.
306. “Use, secondary” means a use and/or structure, in addition to the main/primary use, and located on the same lot or parcel of land as the main/principal use.
307. “Variance” means a decision that affords a relaxation of the application of regulations within the Zoning Ordinance rendered by the designated land use appeal authority consistent with the relevant requirements of Utah Code §10-9a-\_\_\_\_, and other applicable ordinances.
308. “Veterinary hospital” means (See also animal hospital) Any structure, building and/or facilities for medical and/or surgical care, treatment of animals, including boarding of animals.
309. “Vendor, short term” means the sale of products from a trailer, mobile store, or kiosk subject to the following requirements: a) must be located on an improved site which includes, but not limited to, such items as curb and gutter, fire protection, parking surface, drainage, etc., to be determined at the time of conditional use application, b) the same vendor cannot use the same parcel for more than 120 consecutive days in a year for the same business, c) a short-term vendor is allowed only one permit per parcel per year, d) the product cannot be materially altered on site (no cooking of food), and e) must comply with the City sign ordinances.
310. “Wall” means Any device forming a physical barrier which is so constructed that fifty percent (50%) or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.
311. “Warehouse” means A building or buildings used for the storage of goods.
312. “Wholesale” means The sale of goods or materials for the purpose of resale.
313. “Width of lot” means the distance between the side lot lines at the minimum setback distance from the front lot line required for the depth of the front yard.
314. “Yard” means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings or structures except as otherwise provided herein.
315. “Yard, front” means a yard on the same lot with a building, between the front line of the building exclusive of steps 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 nearest part of the front lot line and the nearest part of the front line of the building or buildings on the lot.
316. “Yard, rear” means a yard on the same lot with a building between the rear line of the building exclusive of steps and the rear lot line and extending the full width of the lot. The “depth” of the rear yard shall be the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the building.
317. “Yard, rear corner” means An open, unoccupied space on the same lot with a building, between the rear line of the main building and the rear lot line, and extending from the side property line abutting an interior lot to the corner side yard.

318. “Yard, rear interior” means An open, unoccupied space on the same lot with a building, between the rear line of the main 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 nearest part of the rear lot line and the nearest part of the rear line of the main building.
319. “Yard, required” means The minimum open space as specified by the regulations of this title for front, rear, side and street side, as distinguished from any yard area in excess of the minimum required. See definition of Building Area.
320. “Yard, side corner” means An open unoccupied space on the same lot with a building, between the side line of the building facing the street, exclusive of steps, and the side lot line abutting a street and extending from the front lot line to the rear lot line. The width of the side yard shall be the minimum distance between the nearest part of the side lot line abutting the street and the nearest part of the side line of the building facing the street.
321. “Yard, side interior” means An open, unoccupied space on the same lot with a building, between the side line of the building, exclusive of steps, and the side lot line abutting an interior lot and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the nearest part of the side lot line and the nearest part of the side line of the building.
322. “Yard, setback” means the minimum distance for the “depth” or “width” of a yard required by this ordinance for the zone in which the lot or parcel is located.
323. “Yard, side” means a yard on the same lot with a building, between the side line of the building exclusive of steps and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard shall be the minimum distance between the nearest part of the side lot line and nearest part of the sideline of the building.
324. “Zone” means a district classification established by this title, which limits or permits various and specific uses.
325. “Zoning administrator” means the official responsible for enforcement of the zoning ordinance. The zoning administrator shall be appointed by the city council by resolution.
326. “Zoning clearance” means the approval by the building official of a plan that is in conformance with this title.
327. “Zoning district” means a zone area in which the same zoning regulations apply throughout the district.

**Section 7 means Severability.**

If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 8 means Effective date.**

This ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 14 day of November, 2006.

Washington Terrace City  
Ordinance \_\_\_\_

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Mayor Mark C. Allen  
Washington Terrace City

ATTEST:

\_\_\_\_\_  
Marci S. Heil, City Recorder

RECORDED this 14 day of November, 2006.  
PUBLISHED OR POSTED this 20 day of November, 2006.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) Recreation Center and 3) Website on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE:\_\_\_\_\_