

TITLE 12-000 CHAPTER 300

CHAPTER 12-300. DEFINITIONS. For the purpose of this ordinance, certain words and terms are defined as follows: Words used 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 shall be construed as defined herein. Certain case-specific definitions are found in appropriate sub-sections. Unless defined further within subsequent Chapter and Section within this ordinance, the definition shall carry the weight of law insofar as interpreting applicability to Richmond City land use.

1. **Accessory - building or use** - Something subordinate or supplemental deemed necessary and/or compatible with the primary use or function of the primary structure, business, or use.
2. **Adjacent** - Nearby but not necessarily touching.
3. **Affected Entity** - means a local district, special service district, school district, interlocal cooperation entity, 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.
4. **Agriculture** - 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 plant, fur farms, animals hospitals or similar uses.
5. **Alley** - A public thoroughfare, twenty-six (26) feet or less in width, providing a secondary means of access to abutting property but not intended for general traffic circulation.
6. **Animal Unit** - A piece of ground of not less than ten thousand (10,000) square feet in size, which shall be in addition to the lot area requirement for the zone in which it is located, where the owner may keep not more than two (2) horses, two (2) bovines, two (2) sheep, two (2) goats, fifteen (15) rabbits, fifteen (15) chickens, fifteen (15) ducks, fifteen (15) pheasants, fifteen (15) turkeys, fifteen (15) geese, fifteen (15) pigeons, provided that not more than one (1) of the above listed kinds of animals or fowl are permitted at any one time or any combination of animals excluding rabbits, equal to one (1) of the above animal units or any combination of rabbits or fowl equal to one (1) of the above rabbit or fowl units.
 - a. a mix of horses, bovines, sheep and goats is allowable but cannot exceed a total of two (2) animals per animal unit.
 - b. pigs within the City Limits are approved only through a Conditional Use Permit.

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7. **Appeal Authority** - means the 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.
8. **Applicant** - The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.
9. **Basement** - A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (2) or more above grade.
10. **Bench Mark** - A mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
11. **Billboard** - means a freestanding ground sign located on industrial, commercial or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
12. **Block** - The land surrounded by streets and other rights of way other than an alley or land which is designated as a block on any recorded subdivision plat. See also City Block.
13. **Building** - Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
14. **Building, Height of** - 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 the mean height level between ridge and eaves of a gable, hip or gambrel roof.
15. **Building, Main** - The principle building housing the principle use upon a lot.
16. **Building, Public** - A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its subdivisions.
17. **Canal** - Waterways used for the transporting of water throughout the community to allow for secondary water use and crop irrigation.
18. **Carport** - A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.
19. **Cemetery** - A place for burying the dead; graveyard.
20. **Charter School** - includes:
 - a. an operating charter school;
 - b. a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

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- c. an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
21. **Church** - A building for public worship; a religious service.
22. **City Block** - A square of land surrounded by roads within 660 feet on each side.
23. **Club, Private** - An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.
24. **Common Areas and Facilities** - Unless otherwise provided in the declaration of a Planned Unit Development or other development involving a Home Owners Association, shall mean and include:
- a. All land, other than the individual private lots, within the PUD or HOA boundaries.
 - b. Any buildings or structures intended for the joint use of the residents of the PUD or HOA.
 - c. Installations of central services such as power, light, gas, water, sewer and roads, etc.
 - d. Such community and commercial facilities as may be provided for in the declaration of the PUD or HOA.
 - e. All other parts of the PUD or HOA necessary for or normally in common use.
25. **Conditional Use** - means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
26. **Constitutional Taking** - means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
- a. Fifth or Fourteenth Amendment of the Constitution of the United States; or
 - b. Utah Constitution Article I, Section 22.
27. **Contiguous** - In contact with or bordering.
28. **Court** - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.
29. **Coverage** - refers to any land area, the surface of which is covered by any

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man-made or manufactured material. These areas shall include among others:

- a. Buildings and structures.
- b. Patios.
- c. Decks.
- d. Streets, roads, and sidewalks.
- e. Recreational courts.
- f. Any other areas as defined herein.

30. **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.

31. **Dairy** - A commercial establishment for manufacture or processing of dairy products.

32. **Dairying** - The keeping of milk producing animals, offspring and breeding stock primarily for the production of milk, the processing of milk products which are produced on the premises, and accessory buildings related to the above activities.

33. **Density** - the average number of dwelling units per acre.

34. **Density Bonus** - An allowance given to a developer to build more units within a project than would otherwise be permitted under normal density limits in exchange for additional provisions provided for in the development.

35. **Developer** – As the case may be:

- a. an applicant for subdivision approval,
- b. the owner of any right, title, or interest in real property for which subdivision approval is sought;
- c. may be used interchangeably with "subdivider".

36. **Development** - Includes any application for any development approval including, but not limited to conditional use permits, rezoning, subdivision, PUD, or annexation. This shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot.

37. **Development Activity** means:

- a. any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- b. any change in use of a building or structure that creates additional demand and need for public facilities; or

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c. any change in the use of land that creates additional demand and need for public facilities.

38. **Disability** - means:

a. a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

b. does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21U.S.C. 802.

39. **Dissolve** - A mode of message transition on an Electronic Message Device accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second image.

40. **District** - A portion of the area of Richmond, Utah, shown on a map attached to this zoning ordinance and given a district name.

41. **Dormitories** - Any building arranged or designed for two (2) or more dwelling units and with three (3) or more sleeping rooms per unit.

42. **Drip Line** - The point where water impacts with the ground, whether natural or man-made material, after falling directly from the eaves of a building or structure of any type.

43. **Dwell Time** - The period of time a message or advertising copy is displayed on an Electronic Message Device.

44. **Dwelling** - Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotels, boarding houses, lodging house, motels, apartment motels, fraternities, sororities, trailers, mobile homes or dormitories.

45. **Dwelling, Single-family** - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

46. **Dwelling, Two (2)-family** - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

47. **Dwelling, Three (3)-family** - A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

48. **Dwelling, Four (4)-family** - A building arranged or designed to be occupied by four families, the structure having only four (4) dwelling units.

49. **Dwelling, Multiple-family** - A building arranged or designed to be occupied by more than one (1) family and can be substituted for the two (2) or more when desirable.

50. **Dwelling, Group** - Two (2) or more dwelling structures, occupying the same lot and having yards and open spaces in common.

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51. **Dwelling Unit.** One (1) or more rooms in a dwelling designed for or occupied by one (1) family for living, sleeping, and eating purposes and having a kitchen and an individual bathroom for the use of not more than one (1) family.
52. **Easement** - The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
53. **Educational Facility** - A building where students assemble to receive instruction, a structure on the same property that supports the instructional building including office and other administration space, space for recreation and/or sporting events.
54. **Elder Living Center.** Apartment-style residential dwellings for older people, whether assisted or unassisted living.
55. **Elderly Person** - A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable to living independently.
56. **Electronic Message Display (EMD)** - A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. This includes, but is not limited to Electronic Message Centers and Electronic Reader Boards.
57. **Erosion** - The loss or shifting of soil caused by wind, water runoff, natural disasters, the removal of ground cover, and steep slopes.
58. **Family** - A traditional family unit (related by blood, marriage, or adoption) or up to three unrelated adults living as:
- a. a single housekeeping unit,
 - b. a more or less permanent living arrangement,
 - c. a stable, rather than transient, living arrangement,
 - d. a group headed by a householder caring for a reasonable number of children as one would be likely to find in a biologically unitary family,
 - e. and in all cases may include one or more unrelated care-givers when occupants have need of assistance.
59. **Farm Building** - An agricultural structure assembled for a purpose related to livestock or crops.
60. **Final Plat** - A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified and which can be placed on record in the office of the County Recorder.
61. **Fire Authority** - The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

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62. **Flag Lot** - any interior lot whose access is via a non-conforming road or lane, construction of habitable buildings upon which is prohibited due to possible inaccessibility or ease of exit by emergency vehicles.

a. possible exception to the building prohibition may be granted by the Richmond City Council if the lot as defined by the Property Tax Number can provide a one hundred foot (100') diameter paved cul-de-sac turn-around area with an all-weather paved access road or lane.

63. **Flood, 100-year** - A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

64. **Flood, 10-year** - A flood having a ten percent (10%) chance of being equaled or exceeded in any given year.

65. **Flood Plain** - Land that:

a. is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

b. has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency; or

c. has been studied through a physical survey by an individual qualified and licensed to do so, with such determination approved by the Federal Emergency Management Agency.

66. **Forest Industry** - A place or building where timber and logs are processed into finished wood or wood-based raw materials.

67. **Frame** - a complete static display screen on an Electronic Message Display.

68. **Frame Effect** - A visual effect on and Electronic Message Display applied to a single frame to attract the attention of viewers.

69. **Fur Farm** - A land area devoted to the raising, breeding, or production of fur-bearing animals.

70. **Frontage** - All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

71. **Front Lot Line** - The side part of the lot which is designated as the front of the lot and along which frontage is measured, as frontage is defined in Definition 70, above.

72. **Garage, Private** - An accessory building designed or used for the storage of vehicles of any type owned and used by the occupants of the building to which it is accessory, provided that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units in the multiple dwelling. A

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garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

73. **General Plan** - A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality as required by Title 10, Chapter 9a, Section 401.

74. **Geologic Hazard** - Any area where geologic conditions would pose a threat to persons or property if developed as residential property. Specific examples are:

- a. a surface fault rupture;
- b. shallow groundwater;
- c. liquefaction;
- d. a landslide;
- e. a debris flow;
- f. unstable soil;
- g. a rock fall; or
- h. any other geologic condition that presents a risk:
 - 1) to life;
 - 2) of substantial loss of real property; or
 - 3) of substantial damage to real property.

75. **Grade** -

- a. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- b. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalks at the centers of all walls adjoining the street.
- c. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

76. **Gravel Pit** - An open excavation or pit from which gravel is obtained by digging, cutting, or blasting.

77. **Grazing Land** - Land used for pasturage of livestock.

78. **Home Occupation** - Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of

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the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade.

- a. The home occupation may include the sale of commodities and shall not involve the use of any accessory building or yard space or activity outside of the main building, not normally associated with residential use.
- b. Home occupation shall include the use of the home by a beautician, physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional person for consultation or emergency treatment, but not for the general practice of his trade or profession.
- c. Home occupation shall include the care of not more than six (6) children other than members of the family residing in the dwelling.
- d. A home occupation in a multiple dwelling unit (two [2] or more units) shall be considered as one (1) of the units in determining the allowable number of units.

79. **Hookup Fee** - A fee for the installation and inspection of any pipe line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power or other utility system.

80. **Hospital** - An institution providing medical or surgical care and treatment for the sick and injured.

81. **Hotel** - A building designed or occupied as the more or less temporary abiding place of fifteen (15) 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.

82. **Household pets** - Domesticated animals or fowl ordinarily permitted in the house and kept for company or pleasure.

83. **Identical Plans** - Building plans submitted to a municipality that are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality and describe a building that is:

- a. located on land zoned the same as the land on which the building described in the previously approved plans is located;
- b. subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

84. **Impact Fee** - A payment of money imposed under Title 11, Chapter 36 of Utah Code Annotated.

85. **Improvement Assurance** - A surety bond, letter of credit, cash, or other security:

- a. to guaranty the proper completion of an improvement;
- b. that is required as a condition precedent to:

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- 1) recording a subdivision plat; or
- 2) beginning development activity; and
- c. that is offered to a land use authority to induce the land use authority, before actual construction of required improvements, to:
 - 1) consent to the recording of a subdivision plat; or
 - 2) issue a permit for development activity.

86. **Improvement Assurance Warranty** - A promise that the materials and workmanship of improvements:

- a. comport with standards that the municipality has officially adopted; and
- b. will not fail in any material respect within a warranty period.

87. **Infill Development** - Development that takes place on land within built-up, developed areas that has been passed over for various reasons during previous development phases and has remained vacant or under-utilized.

88. **Internal Lot Restriction** - A platted note, platted demarcation, or platted designation that:

- a. runs with the land; and
- b. creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
- c. designates a development condition that is enclosed within the perimeter of a lot described on the plat.

89. **Kennel** - The keeping of three (3) or more dogs at least four (4) months old.

90. **Landscape Lighting** - Artificial lighting used primarily to illuminate for the purpose of safe passage of people and vehicles, enhance the effects of landscaping, and/or the outside of structures in a manner to avoid light pollution.

91. **Landscaping** - Maintenance and/or improvement of a given portion of land to provide a pleasing reception in the eyes of the beholder to include, but not limited to, the planting/maintenance of flora, sculpting or otherwise shaping of the soils, utilization of natural materials to establish specific proportions or designs, xeriscaping, and the utilization of artificial substances that can and must be maintained.

- a. In the development of landscaping, it must be in keeping with the fact that Richmond City is in a semi-arid climate and that the City actively participates in a Water Conservation Plan.

92. **Land Use Application** - An application required by a municipality's land use ordinance.

93. **Land Use Authority** - A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

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94. **Land Use Ordinance** - A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the General Plan.
95. **Land Use Permit** - A permit issued by a land use authority.
96. **Legislative Body** - The Richmond City Council.
97. **Library** - A repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints kept for reading or reference, and such electronic media or technological devices utilized with a library system as is currently available.
98. **Light Industry** - Is defined as a business wherein no manufacture, compounding, processing, or treating of products other than that which is clearly incidental and essential to retail stores or business and where all such products are sold at retail on the premises. Further, no use or storage shall be conducted that is not within a closed building. Bulk materials storage, waste piles, and storage ponds are specifically prohibited.
99. **Light Pollution** - Any lighting that results in illumination being directed skyward.
100. **Livestock** - Domestic animals such as cattle, horses, sheep, hogs, or goats, raised for home use or profit.
101. **Local District** - An entity under Title 17B, Utah Code Annotated, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
102. **Lodging House** - A building where lodging only is provided for compensation to five (5) or more persons.
103. **Lot** - A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory, together with such yards, open spaces, lot width and lot area as are required by this ordinance and having frontage upon a street, or upon a right-of-way as approved by the Board of Adjustment or Appeals Judge.
- a. Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.
- b. A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.
104. **Lot, Corner** - A lot abutting on two (2) intersections or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.
105. **Lot, Interior** - A lot other than a corner lot.
106. **Lot Line Adjustment** - The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.
107. **Lot Width** - The width of the lot measured along the minimum building setback line.

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108. **Maintenance** - Keeping a trail surface and surrounding area in a safe condition for public use, including, but not limited to, resurfacing, filling holes, and pruning vegetation.
109. **Manufacturing** - A location wherein a product is produced.
110. **Master Street Plan** - That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been approved by the Planning and Zoning Commission and City Council as provided in Title 10, Chapter 9a, Section 403.
111. **Maximum Extent Feasible** - No prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken.
- a. Economic considerations may be taken into account but shall not be the overriding factor in determining a maximum extent feasible.
112. **Medical and Dental Clinics** - A building where the medical or dental professions are practiced.
113. **Message Change Sequence** - the change of messages/copy of an Electronic Message Display must be accomplished immediately, unless the approval body permits fade or dissolve transition.
- a. In such cases the transition shall require no less than two seconds between messages copy.
114. **Minimum Display (Dwell) Time** - each Electronic Message Display message (spot) must be displayed for a minimum of six (6) seconds.
115. **Mobile Home** - A movable or portable dwelling constructed to be towed on its own chassis and designed to be installed for human occupancy as a dwelling.
- a. For the purposes of this ordinance, a mobile home constructed so as to meet the building code requirements of Richmond, Utah as established by separate ordinance for single-family dwellings shall be considered a single-family dwelling.
116. **Moderate Income Housing** - Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in the county in which the city is located.
117. **Mortuary** - A place where human dead bodies are prepared or kept prior to burial or cremation.
118. **Motel** - A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.
119. **Motorized Home** - A self-propelled vehicle designed and functioning as a residence which can be driven from place to place.

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a. Unless parked in an authorized Mobile Home Court, a motorized home can only be utilized as a residence while parked within Richmond City for a maximum period of thirty (30) days per year.

b. A motorized home cannot be connected to the Richmond City sewer system.

c. The contents of the septic tank of a motorized home cannot be discharged into the Richmond City sewer system due to the damage such systems inflict upon the biological process of the Richmond City sewage treatment facility.

d. Permanent water connection must not be made between the Richmond City culinary water system and the motorized home.

120. **Multiple-family Dwelling** - One (1) building structure housing two (2) or more families in separate dwelling units on one (1) individual lot.

121. **Natural Drainage Course** - Any natural watercourse which is open for the continuous or potential flow of water in a definite direction or course.

122. **Natural Waterways** - Those areas, varying in width, along streams, creeks, springs, gullies, washes which are natural drainage channels as determined by the Building Inspector or competent engineers under contract to the City, in which areas no buildings shall be constructed.

123. **NIT Measurement** - A measurement of luminance (one NIT is equal to one candela per square meter (1 cd/m²)) one meter by one meter of display, measured one meter from the display running at maximum display intensity.

124. **Nominal Fee** - A fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

a. verifying that building plans are identical plans; and

b. reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

125. **Noncomplying Structure** - A structure that:

a. legally existed before its current land use designation; and

b. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions or other regulations, excluding those regulations which govern the use of land.

126. **Nonconforming Building or Structure** - A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.

127. **Nonconforming Lot** - A parcel of land with a separate legal description and property identification number at the time of adoption of this ordinance which did not then meet the lot

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area or lot width requirements, and whose size or shape has not been diminished or changed by sale or lease since the time of adoption of this ordinance.

128. **Nonconforming Use** - A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

129. **Nurseries and Greenhouses** - A place or an enclosed structure where plants and/or their produce are grown and/or sold on the premises.

130. **Nursing Home** - An institution providing residence and care for the aged; A building for the care and keeping of elderly or infirm people.

131. **Official Map** - Under the provisions of Title 10, Chapter 9a, Section 103.(33 ff), a map drawn by municipal authorities and recorded in a county recorder's office that:

- a. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- b. provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- c. has been adopted as an element of the municipality's general plan.

132. **Open Space** - a portion of a development site that is permanently set aside for public or private use that includes sensitive lands per 12-1010-7 and 12-1070-5, common areas and facilities, useable open space, and other undeveloped portions of the development

133. **Operational Characteristics of an Electronic Message Display** - there are four identified types or levels of operational characteristics:

- a. Level One - Static only, no transitions utilized.
- b. Level Two - Static with subtle transitions (dissolve or fade).
- c. Level Three - Static message with moving text (scroll, travel, etc).
- d. Level Four - Animation video or any combination of effects, transitions, etc. that create the illusion of animation or video.

134. **Operational Limitations of Electronic Message Display** - such displays shall contain static messages only, unless in compliance with the provisions of 12-700.

135. **Ordinary High Water Mark** - The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding areas.

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a. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

136. **Outbuilding** - Any structure not intended for primary habitation or business purposes located on property already containing a residence, business, or agricultural endeavor.

a. Refer also to Shed.

137. **Outbuilding, Agricultural** - Falls into the same category as 136 above but designed primarily for the storage of agricultural implements, agricultural products, and the housing of animals related to an agricultural or recreational purpose.

138. **Outbuilding, Residential Area** - Falls into the same category as 136 above but designed primarily for storage of maintenance-type materials supportive of an urban or semi-urban situation.

a. Play houses for children/youth will fall into this category.

139. **Overlay or Overlay Zone** - A zone whose development regulations supplement or supercede those of the underlying zone.

140. **Owner** - Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation or any combination thereof.

141. **Parcel of Land** - A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person and bearing one county tax number.

142. **Park Strip** - The strip of land located within the public right of way between the sidewalk and the curb and gutter.

143. **Parking Lot** - An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients and customers.

144. **Parking Space** - Space within a building, lot or parking lot for the parking or storage of one (1) automobile.

145. **Parks and Playgrounds** - A tract of land set aside for public use for recreation.

146. **Person** - An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

147. **Physical Boundaries** - Topographic or other physical conditions which are included in a parcel of land and which may be considered to constitute a barrier sufficient to break a piece of ground into two (2) or more separate and distinct lots.

a. Such lots, if otherwise undiminished or unchanged by sale or lease since the time of adoption of this ordinance shall be treated as nonconforming.

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b. Physical boundaries may include but not be limited to: public streets, rights-of-way established prior to April 8, 1970, railroad tracks and natural waterways.

c. Physical boundaries shall not include cliffs, irrigation canals and ditches without deeded rights-of-way established since April 8, 1970.

148. Plan for Moderate Income Housing - A written document adopted by a city legislative body that includes:

a. an estimate of the existing supply of moderate income housing located within the city;

b. an estimate of the need for moderate income housing in the city for the next five years as revised biennially;

c. a survey of total residential land use;

d. an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

e. a description of the city's program to encourage an adequate supply of moderate income housing.

149. Planned Unit Development (P.U.D.) - a development of land consisting of separate residential lots and/or multiple dwelling units plus adjacent land held and maintained in common by the residents through a legal device of their own design that complies with any rules and restrictions established by the laws of the State of Utah, the County of Cache, or Richmond City.

150. Planning Administrator - The person appointed by the City to perform duties and responsibilities of administering planning responsibilities as contained within this Title.

151. Plat - A map or other graphical representation of lands being laid out and prepared in accordance with Title 10, Chapter 9a, Section 603, Title 17, Chapter 23, Section 17, or Title 57, Chapter 8, Section 13.

152. Potential Geologic Hazard Area - An area that:

a. is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

b. has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

153. Preliminary Approval - An approval, with or without alterations, given to a preliminary plat by the Planning and Zoning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat relative to any development.

154. Preliminary Plat - A map or plan of a proposed land division or subdivision prepared in accordance with this Title.

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155. **Project** - shall be synonymous with any sub-division, Planned Unit Development, or other development requiring on-going communication or coordination prior to completion.

156. **Protection Strip** - A strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required street improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

157. **Public Agency** - means:

- a. the federal government;
- b. the state;
- c. a county, municipality, school district, local district, special service district, or other political subdivision of the state; or
- d. a charter school

158. **Public Hearing** - A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

159. **Public Improvements** - Work objectives, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, secondary irrigation system, streets, trees, street signs, streetlights, traffic control or safety devices, fire hydrants and such other facilities or construction required by this Title.

160. **Public Meeting** - A meeting that is required to be open to the public under Title 52, Chapter 4, Section 101 and following: Open and Public Meetings Act.

161. **Qualified Professional** - 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.

162. **Quasi-public Land** - Privately owned property which, through formal agreement with the City, allows common public access. An example would be a public walking trail that legally crosses private property.

163. **Record of Survey Map** - A map of a survey of land prepared in accordance with Title 17, Chapter 23, Section 17.

164. **Receiving Zone** - An area of a municipality that the municipality's land use authority designates as an area in which an owner of land may receive transferrable development rights.

165. **Recreational Use** - Any area, structure, or location designed for the recreation of humans.

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166. **Recreational Vehicle** - A vehicular type unit, forty (40) feet or less in length and eight (8) feet or less in width, primarily designed as temporary living quarters for recreational, camping, or travel use which either has its own mode of power or is mounted on or drawn by another vehicle.

a. See Motorized Home: All restrictions cited apply to Recreational Vehicle.

167. **Residential** - An area primarily devoted to the establishment of residences designed for human occupation.

168. **Residential Facility for Elderly Persons** - A single-family or multiple-family dwelling unit that meets the requirements of Title 10, Chapter 9a, Section 516, but does not include a health care facility as defined by Title 26, Chapter 21, Section 2.

169. **Residential Facility for Persons With a Disability** - This is a residence:

a. in which more than one person with a disability resides; and

b. is licensed or certified by the Department of Human Services or the Department of Health under Title 26, Chapter 21.

170. **Residential Health Care Facility**. A home or a residence occupied by the owner that provides protected living arrangements plus nursing care and services on a daily basis for individuals unrelated to the owner of the facility.

171. **Restricted Lots** - A parcel of land severed or placed in separate ownership after April 8, 1970, and which does not meet all area, width, yard and other requirements of this Title for a lot, or a parcel of land which does meet all the requirements of this Title for a lot, but the creation of which has caused any adjacent or contiguous lot from which it was severed to be insufficient in area, width, setback, yard, or coverage requirements, when such adjacent lot has a structure on it, or a building permit issued for such structure.

172. **Right-of-Way** - Land or property usually in a strip acquired by the public, a corporation, or persons for trails, roads, canals, railroad tracks, or other similar uses.

173. **Roomer** - One who occupies a hired room in another's house.

174. **Sanitary Sewer Authority** - The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

175. **Scroll** - A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

a. See also definition of Travel.

176. **Secondary Water System** - Any system which is designed and intended to provide, transport, store, distribute, divert, clean, filter and measure water from a stream or other source for watering of crops, lawns, shrubberies, flowers and other non-culinary uses.

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177. **Sending Zone** - An area of a municipality that the municipality's land use authority designates as an area from which an owner of land may transfer transferrable development rights to an owner of land in a receiving zone.

178. **Sensitive Lands** - the physical environment of the city and its surroundings which are important for visual quality, wildlife, open space, land buffers, and the health, safety, and welfare of the public including open space on steep slopes, sensitive soils, geologic hazard areas, wetlands, rivers and streams, water recharge areas, wellhead protection zones, and wildlife corridors.

179. **Separate Ownership** - A condition where the ownership of a parcel of land is recorded under or being conveyed to a different name from all contiguous parcels.

180. **Setback** - Commonly referred to as the distance a structure will be established through ordinance from the property line to the closest wall or support of a building to the property line.

181. **Shed** - A small, rough-built shelter, often open on one or more side, and not intended for human habitation.

a. The term may also be applied to an outbuilding of any type.

182. **Sign** - Any device used for visual communication to the general public and displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge or ensign of any governmental agency.

183. **Sign, Advertising** - A sign which directs attention to a use, product, commodity or service not related to the premises.

184. **Sign, Business** - A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

185. **Sign, Community Bulletin Board** - A sign used for notifying the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

a. The sign must be set back two (2) feet from the sidewalk and have not more than nine square feet of area.

186. **Sign, Construction** - A sign announcing construction or other improvements being made by a person furnishing services, materials or labor to a property under construction.

187. **Sign, Directional** - A sign which identifies and indicates the route to some legally conducted activity.

188. **Sign, Election** - A sign promoting a political campaign.

189. **Sign, Government** - A sign posted by government officials in the performance of their duties; such as signs to control traffic or for other regulatory purposes, or to identify streets or to ward off danger.

190. **Sign, Home Business or Home Occupation** - A sign located on the residential property of a licensed home business in a residential district that directs attention to a commodity sold or service performed by the occupant on the premises for financial gain.
191. **Sign, Identification** - A sign indicating the name or nature of buildings or uses, other than commercial or industrial uses, located upon the same premises as the sign.
192. **Sign, Institutional** - A sign identifying a school, church, hospital, or other institution.
193. **Sign, Landmarks** - A sign which identifies an area which, by reason of development, natural features, or historical occurrences has or shall become a landmark in the city.
194. **Sign, Name Plate** - A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.
195. **Sign, Occupant** - A sign which establishes the identity of an occupant in a combined business or professional building, plaza, or mall by listing name, and/or address.
196. **Sign, Off-premises commercial sign** - See definition of Billboard.
197. **Sign, On-premises commercial sign** - A sign which relates solely to a use, business, profession, or service provided or offered upon the premises where the sign is located.
198. **Sign, Property** - A sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.
199. **Sign, Public Information** - A sign erected by a public or nonprofit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.
200. **Sign, Real Estate** - A sign indicating the availability for sale, rent, or lease of a specific lot or building upon which the sign is erected or displayed.
201. **Sign, Street** - A sign identifying the name and number of a street.
202. **Sign, Temporary** - A sign intended for a temporary time period of less than thirty days for the purpose of announcing an activity, event, election, or directing persons to a specific place.
203. **Slope** - 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.
- a. For purposes of regulation and measurement, slopes must cover at least twenty five (25) feet vertically and fifty (50) feet horizontally.
204. **Specified Public Agency** - Means:

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- a. the state;
- b. a school district; or
- c. a charter school.

205. **Specified Public Utility** - An electrical corporation, gas corporation, or telephone corporation.

206. **Spot** - an advertiser's display message whether a symbol, picture, text message, or combination thereof.

207. **Stable, Private** - A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

208. **Stable, Public** - A stable other than a private stable.

209. **State** - Includes any department, division, or agency of the State of Utah.

210. **Steep slopes** - Slopes greater than thirty (30) percent.

211. **Story** - The space within a building included between the surface of any floor and the surface of the ceiling next above.

212. **Story, Half** - A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

213. **Street** - A public thoroughfare which affords principle means of access to abutting property, and is more than twenty-six (26) feet wide and may fall into one of the following classifications:

- a. **Arterial** - A street which serves or is intended to serve as a major traffic way providing through traffic movement in the most efficient manner.
- b. **Collector** - An intermediate street which is intended to serve both through and land access functions equally.
- c. **Cul-De-Sac** - A minor street of limited length which terminates in a turnaround of a minimum radius. It provides only minimum access to abutting properties.
- d. **Local** - A minor street which provides access to abutting properties.
- e. **Major Collector** - A street, similar to a collector street except it carries a greater through traffic load.
- f. **Private** - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with an approved street cross section and maintained by the subdivider or other private agency.

214. **Structure, Permanent** - Anything constructed or erected, which requires location on or in the ground or attached to something having a location on the ground.

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215. **Structure, Temporary** - Anything constructed or erected that is not attached to or beneath the ground and is not intended for long-term usage.

a. Examples would include a temporary automobile shelter, temporary swimming pool, a tent, etc.

216. **Structural Alterations** - Any change in supporting members of a building such as bearing walls, columns, beams or girders.

217. **Sub-divider** - Any person who: a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or, who c) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development of a subdivision, or who d) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing, and may be used interchangeably with developer.

218. **Subdivision** - Any land that is divided, re-subdivided or proposed to be divided into two 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.

a. Subdivision includes:

1) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and

2) divisions of land for all residential and nonresidential uses, including land used or to be used for commercial and industrial purposes, but not for agricultural purposes.

b. Subdivision does not include:

1) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

2) a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

a) no new lot is created; and

b) the adjustment does not violate applicable land use ordinances;

3) a recorded document, executed by the owner of record:

a) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels or property, or

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- b) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
- 4) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - a) no new dwelling lot or housing unit will result from the adjustment; and
 - b) the adjustment will not violate any applicable land use ordinance; or
- 5) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.
- c. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this subsection 146 as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

219. Trailer or Camper -

a. General definition: A vehicle with or without motive power or wheels, designed to be used for human habitation.

b. Specific definitions:

1) Camper - A small vehicle which may be towed or placed upon the bed of a wheeled powered or unpowered vehicle and generally used for temporary recreational purposes and not intended for extended habitation.

2) Trailer - A vehicle intended for and used for extended human habitation in the form of a residence that can be moved from location to location by means of utilizing a towing vehicle. Trailers may be single or double-wide; however, to qualify as a trailer the gear supporting the wheels upon which the trailer is moved must be a permanent part of the vehicle.

a) Trailers whose carriage gear is removed or removable will be treated as a regular residential unit and fall under all appropriate construction codes for permanent or pre-built housing.

220. Trailer, Camper, or Mobile Home Park - Any area or tract of land used or designed to accommodate two (2) or more trailers, mobile homes, or camping parties.

221. Transferrable Development Right - The entitlement to develop land within a sending zone that would vest according to the municipality's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.

222. Transition - is a visual effect used on an Electronic Message Display to move from one presentation to another.

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223. **Travel** - is a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

a. See also definition of Scroll.

224. **Unincorporated** - The area outside of the incorporated area of a city or town.

225. **Unstable soils** - Those areas where soil instability would be a hazard to development and cannot be mitigated without massive grading and site modification, as identified in the general plan.

226. **Use, Accessory** - A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

227. **Useable Open Space** - open space areas that are physically situated so as to be readily accessible, available to, and usable by all residents of a Planned Unit Development, sub-division, or other formal development so authorized by the City for active and passive recreation activities.

228. **Vegetation** - Native or reclamation grasses, forbs, shrubs and trees that protect topsoil from erosion, prevent or slow storm runoff, provide wildlife habitat and beautify the community.

229. **Veterinary or Animal Hospital** - A building and runs where both large and small animals are kept and/or treated by a licensed veterinarian.

230. **Water Interest** - Any right to the beneficial use of water including:

a. each of the rights listed in Title 73, Chapter 1, Section 11; and

b. an ownership interest in the right to the beneficial use of water represented by:

1) a contract;

2) a share in a water company; or

3) any determination in compliance with Title 73, Chapter 4.

231. **Water recharge area** - The upper bench and mountainous areas of the city's watershed where snow and rainwater enter the ground to recharge the valley's aquifers.

232. **Wellhead protection zone** - Means the protection area surrounding drinking water sources as required by the State of Utah.

233. **Wetlands** - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

234. **Width of Lot** - The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

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235. **Wildlife corridors** - Those areas identified by a qualified authority as important, regular routes taken by wildlife that should be left unobstructed.

236. **Yard** - A space on a lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

237. **Yard, Front** - A space 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.

238. **Yard, Rear** - A space of the same lot with a building between the rear line of the building (exclusive of steps and chimneys) with the rear line of the lot extending the full width of the lot.

239. **Yard, Side** - A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.

240. **Zero Lot Line Development** - Housing development technique in which adjacent houses are sited along a lot line or share a wall along a lot line in order to create more yard space and allow for higher density development; however, such development must not violate either fire or building codes.

241. **Zoning Map** - A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.