

TITLE 10

CHAPTER 2

**DEFINITIONS**

SECTION:

10-2-1: Definitions

**10-2-1: DEFINITIONS**

For the purpose of this title, certain numbers, abbreviations, terms and words shall be used, interpreted and defined as set forth herein. Defined terms will appear as proper nouns throughout this title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

**ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of the main building.

**AGRICULTURE:** The growing of crops in the customary manner in the open. The growing of field crops and fruit is permitted. It may include the keeping of horses, cattle and fowl as regulated herein.

**APARTMENT:** A separate dwelling unit within a structure with a separate entrance and exclusive living, cooking, sleeping and bathroom areas.

**APARTMENT HOUSE (TWO-FAMILY DWELLING):** Any building or portion thereof which is designed, built, rented or leased, let or hired out to be occupied, or which is occupied as the home or residence of no more than two (2) families living independently of each other and doing their own cooking within the premises.

**BOARDING HOUSE, LODGING HOUSE:** A building, other than an inn, where, for compensation, lodging for three (3) or more unrelated people is provided for usually a week or longer. Living quarters in said residence are not provided with separate kitchens.

**BODY ART:** The practice of physical body adornment by the permitted establishments, operators, and registered body art techniques: body piercing, tattooing, permanent cosmetics, branding, and scarification. This definition does not include practices that are considered medical procedures by the state medical board such as implants under the skin which shall not be performed in a body art facility. (1-2016, 3-22-16)

**BODY ART ESTABLISHMENT:** The location, place, or business that has been granted a permit by the governing health department, whether public, or

private, where the practices of body art are performed, whether or not for profit. (1-2016, 3-22-16)

- BUILDING:** Any structure built for the support, shelter or enclosure of people, animals or property of any kind.
- BUILDING HEIGHT:** The vertical distance as measured from the highest point of the roof of the building, not including a chimney or vane, mechanical equipment screen, or un-inhabited building mechanical-electrical equipment space down to the point representative of the average finished grade of the land around the perimeter of the building.
- BUILDING LINE:** A line designating the minimum distance which buildings must be set back from a street or lot line. The setback is measured to the front face of the building, vertical supports of a covered porch or covered terrace. Steps, uncovered porches and stoops, which are thirty inches (30") or over in height, shall be regarded as part of building.
- BUILDING, MAIN:** The principal building or buildings upon a lot.
- BUILDING, PUBLIC:** See definition of Public Building.
- CANTILEVER:** Overhanging structure with or without external bracing. (6-2016, 9-27-16)
- CARPORT:** A structure for the shelter of automobiles that is not completely enclosed by walls.
- CHURCH:** A permanent building for the purpose of conducting religious services and other activities associated with a religious denomination.
- CLINIC:** A building used for the diagnosis and treatment of ill, infirm and injured persons which does not provide board, room or regular hospital care and services.
- CLUB:** A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but not including any building used principally to render a service usually and ordinarily carried on as a business.
- COMMON AREA:** An area designed to serve two (2) or more dwelling units, which have convenient access to the area.
- CONDITIONAL USE:** A land use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate potential impacts.

CONSTRUCTION:	The erection, reconstruction, remodeling or razing of any structure to the extent of five hundred dollars (\$500.00) of its replaceable value.
CONVALESCENT HOME:	See definition of Rest Home.
DENSITY:	Density of population measured by the number of dwelling units per acre of land.
DEVELOP, DEVELOPMENT:	To divide land for purposes other than agriculture; to prepare land for division, building or improvements, including grading, fencing for planned residential lots, road building or utility placement, to place structures or utilities, fencing for other than agriculture or roads. Also includes a change in the use of an existing structure or on land; mining or excavation; a material change in the external appearance of a structure or land; placement of accessory buildings; demolition of a structure; deposit of waste or fill on a parcel of land; alteration of a shore, or floodplain of a body of water or riparian area. "Development" does not include maintenance and repair within a right of way, external maintenance or improvement of an existing structure or the use of land for growing plants, crops, trees and other agricultural or forestry products.
DEVELOPER:	The applicant for any development.
DWELLING, CARETAKER'S:	A dwelling which is occupied by a person whose function is to watch or take care of a business or industry which is located on the same premises as the dwelling.
DWELLING, CONVENTIONAL:	A dwelling that is constructed in compliance with the provisions of the International Residential Code (IRC.)
DWELLING, MULTIPLE-FAMILY:	A building containing three (3) or more separate dwelling units, each of which is designed and constructed for occupancy by one family.
DWELLING, SINGLE-FAMILY:	A building containing one dwelling unit which is designed and constructed for occupancy by one family.
DWELLING, SINGLES:	A dwelling unit, which is occupied by no more than three (3) nonrelated adults.
DWELLING, TWO-FAMILY:	A building containing two (2) separate dwelling units, each of which is designed and constructed for occupancy by one family.
DWELLING UNIT:	A unit of a residential building consisting of one or more rooms, a kitchen or cooking facility and an independent bathing facility.

EASEMENT:	A grant of land by a landowner (or as obtained by operation of law) for use of such land by the public, a corporation or other persons for specific uses and purposes as so designated or recorded.
FAMILY:	An individual, or two (2) or more persons related by blood, marriage or adoption living together in a single dwelling unit and maintaining a common household. A family may include two (2), but not more than two (2), persons not related to the family, but living as guests with the residing family. The term "family" shall not be construed to mean more than four (4) unrelated individuals, a fraternity, club or institutional group, except residential facilities for elderly and disabled persons as provided for by Utah statutes. (4-2010, 7-13-10)
FENCE, SIGHT OBSCURING:	A fence having a height of six feet (6') or more above grade which obstructs vision.
FINAL PLAT; RECORD OF SURVEY MAP:	A plat or plats of survey of land within a subdivision or other large scale development which has been prepared in accordance with applicable city standards and state statutes for the purpose of recording in the office of the Cache County Recorder.
FLAG LOT:	A lot not having the required frontage upon a public street, but having access to a public street, together with required yards and area requirements as required by this title. See section 10-20-1 of this title.
FLOOR AREA:	The floor area of a building is the sum of the areas of headroom height on all floors of the building, including basements, mezzanines and penthouses, measured from the exterior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied structures such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc.
FRACTIONAL NUMBERS OF MEASUREMENTS:	In determining the requirements of this title, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half (1/2) or more, said fraction shall be rounded up to a whole number or a unit. Where the fraction is less than one-half (1/2), said fraction shall not be included in determining requirements.
GARAGE, PRIVATE:	A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises in which no occupation or business is conducted. A garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

GARAGE, PUBLIC:	A building, or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, selling or storing of motor driven vehicles.
GENERAL PLAN:	A coordinated plan prepared and adopted for the purpose of guiding development, including, but not limited to, land use, transportation, infrastructure, housing types, public facilities and open space.
GRADE:	<p>A. For buildings fronting on one street only, the elevation of the sidewalk or centerline of street, whichever is higher, at right angle to the midpoint of the fronting wall.</p> <p>B. For buildings fronting on more than one street, the average of the elevations of the sidewalks or centerlines of streets, at right angle to the midpoint of the fronting walls.</p> <p>C. For buildings having no wall fronting on the street: the average level of the sidewalk or centerline of surrounding streets, whichever is higher.</p>
HOME OCCUPATION <sup>1</sup> :	A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence.
HOUSEHOLD PETS:	Animals or fowl which may or may not be kept in the dwelling unit such as dogs, cats and birds; and providing, that no more than two (2) of any species at least four (4) months of age are kept. Household pets may be kept outside the dwelling unit, provided they do not become a public nuisance.
JUNK:	Including, but not limited to, materials similar to the following: old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles or parts thereof; or unused or discarded machinery, furniture, appliances or parts thereof.
KENNEL <sup>2</sup> :	Land or buildings used in the keeping of three (3) or more dogs over four (4) months old.
LAND USE PLAN:	A plan adopted and maintained by the city council which shows how the land should be used; an element of the master plan.
LANDSCAPE PLAN; PLANTING PLAN:	A plan showing the location and dimensions of plants at maturity, irrigation equipment, curbs and other protective features, and the common name of the plant material to be planted.

LANDSCAPING:	The use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, art works, screens, walls, fences, benches or surfaced walkways set into an aesthetic and pleasing arrangement.
LIVESTOCK:	The keeping of domestic animals such as cattle, horses, sheep, hogs, goats, etc., that are raised for commercial or home use.
LIVESTOCK CORRAL:	A place or pen where livestock are kept as part of an agricultural or commercial enterprise or operation permitted in the agricultural zone as distinguished from a livestock feed yard.
LOT:	A single parcel or tract of land.
LOT, CORNER:	A lot abutting two (2) intercepting streets, where the interior angle of intersection does not exceed one hundred thirty five degrees (135°).
LOT FRONTAGE:	All property fronting on one side of the street between intersecting or intercepting streets, or between a street and 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.
LOT, INTERIOR:	A lot other than a corner lot.
LOT OF RECORD:	A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A lot of record may or may not coincide with a zoning lot.
LOT, ZONING:	A parcel of land which: <ul style="list-style-type: none"> <li>A. Complies with all existing area, frontage, width and supplementary requirements of the zone in which it is located.</li> <li>B. Has frontage on a city street, which street has been accepted by the city and has been improved in accordance with city standards and is in use by the public, or</li> <li>C. Is a city-approved lot or part of a private lane development.</li> </ul>

- D. Is shown as a separate lot in an approved subdivision plat or large-scale development plan, which plat or plan has been approved in accordance with the applicable ordinances, or which is exempted from compliance with said ordinances.

MANUFACTURED HOME:

A new and unused dwelling unit which meets the federal home construction and safety standards act of 1974 (effective June 15, 1976) of the United States department of housing and urban development, constructed on a permanent chassis to be transported and used as an independent dwelling to be located upon a permanent masonry foundation system in all residential zones. Manufactured homes, when installed on a residential lot, shall have a minimum of one thousand (1,000) square feet, with a minimum width of twenty four feet (24'). The installation of the manufactured home shall have the appearance of an on-site, stick built, single-family dwelling structure which contains the following: a minimum three to twelve (3:12) pitched roof, composition asphalt shingles or approved shingle materials, suitable eaves and gable roof overhangs, dwelling type siding, and removal of any and all running gear, including tongues, axles, brakes, wheels, lights, towing hitch, etc.

MUSEUM:

A permanent building for the purpose of storing, preserving and exhibiting historic, artistic or scientific objects.

NONCONFORMING BUILDING:

A building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which legally existed on the effective date hereof.

NONCONFORMING USE:

A use of premises that does not conform to the regulations of this title, but which legally existed on the effective date hereof.

NURSERY, DAYCARE:

A home or building in which children are tended or kept for compensation. It does not include overnight accommodations for children as in a foster home or an orphanage.

OFF SITE IMPROVEMENTS:

The construction of improvements that are not located on the parcel under development and most generally within the public right of way abutting said property, including, but not limited to, sidewalk, curb and gutter, driveway access, street trees and landscaping or planting strip.

ON SITE IMPROVEMENTS:

The construction of improvements within the boundaries of a parcel proposed for development.

OPEN SPACE:	Any area of a lot or parcel of land unobstructed upward, except by trees, other natural vegetation, or land form.
PARCEL:	Any contiguous land under common ownership. This may include, but is not limited to, that portion of an R-2 lot which is divided into equal portions for the purposes of sole ownership of one-half (1/2) of the structure which contains the pertinent dwelling unit and one-half (1/2) of the lot area. It may also include land ownership arrangements of land included in a planned unit development designed for variable ownership as shall be approved by the city.
PARKING SPACE:	A space, not less than twenty feet (20') in length and not less than nine feet (9') in width, within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle.
PLANNED UNIT DEVELOPMENT (PUD):	A development of integrated design for residential uses in which the rigid requirements of conventional zoning are relaxed to allow for innovative and flexible design and at the same time assuring compatibility within the development as well as with adjacent developments. The development may include various housing types (single structure residences, duplexes, townhouses, condominiums, etc.), in attached or detached construction arrangements, and various types of ownership. Each dwelling unit must occupy all space above and below ground of the building or portion thereof, allocated to it. Said developments shall provide passive and active open space areas. Planned unit developments shall be constructed only with an approved plan and meeting such additional requirements as may be imposed by the city.
PROFESSIONAL OFFICE (IN A RESIDENTIAL ZONE) <sup>3</sup> :	The use of a dwelling unit to offer professional services such as consulting, legal services or medical services by not more than one doctor, dentist or healthcare professional. Retail sales, automobile repair or any business that requires the use or storage of any hazardous material is not allowed. A conditional use permit is required for a professional office in all residential zones. (If a professional office is a subordinate use of a dwelling unit as a residence, then the home occupation ordinance <sup>3</sup> applies and a conditional use permit is not required.)
PUBLIC BUILDING:	Any building, or group of buildings, constructed by a government entity and intended for use by the general public as established by state law (i.e., public schools, government offices, etc.).
PUBLIC PARK:	A tract of land set aside for the purpose of providing recreation for the general public.



PUBLIC WATER SYSTEM:

The River Heights City water system.

RECREATIONAL VEHICLE:

A vehicle, with or without self-power, maintained primarily as a temporary dwelling for travel, vacation or recreation purposes and having a width of eight feet (8') or less, with a pullout partition retracted. This includes, but is not limited to, a travel trailer, truck camper, camping trailer, motorboat and motor home.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

A single-family or two-family unit shall not be operated or considered as a business. Said facility shall be occupied on a twenty four (24) hour basis by eight (8) or fewer elderly persons in a family-type arrangement, and be consistent with existing zoning of the desired location. Said residential facility shall not be established within three-fourths (3/4) mile of another existing "residential facility for elderly persons" or "residential facility for persons with a disability," as defined in this section. River Heights City herein adopts the standards and definitions within said Utah Code Annotated.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY:

A residence in which more than one person with a disability lives and that meets the provisions of Utah Code Annotated section 10-9a-516. Said residence shall be licensed or certified by the Utah department of human services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities, a permitted use in any zoning district where residential uses are allowed, and only required to obtain permits that verify compliance with the building, safety and health requirements that are applicable to similar structures. Said residential facility shall not be established within three-fourths (3/4) mile of another existing "residential facility for persons with a disability" or "residential facility for elderly persons," as defined in this section. River Heights City herein adopts the standards and definitions within said Utah Code Annotated.

REST HOME; NURSING HOME; CONVALESCENT HOME:

A building for the prolonged care of persons suffering from illness, injury, deformity or deficiency or age, which is licensed by the state of Utah.

SECONDARY RESIDENTIAL UNIT:

An attached, separate unit, distinguished from the primary unit, occupied by related persons, sometimes known as a "mother-in-law" unit.

SENSITIVE AREA OVERLAY ZONE:

An established and adopted zone delineating sensitive environmental or natural areas and provisions for the protection and enhancement of the same.

SETBACK:	The shortest distance between the property line and the foundation wall, vertical supports, cantilevers, porches or steps over thirty inches (30") in height or the main frame of the building. (6-2016, 9-27-16)
SIGN:	Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flagpole.
SIGN, ACCESSORY:	An on-premises sign that directs attention to a business or profession conducted on the premises.
SIGN, AREA OF:	The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background material, whether painted or applied. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be as required herein.
SIGN, HOME OCCUPATION:	A non-illuminated sign, no larger than two and three-fourths (2-3/4) square feet in area, placed on or against the dwelling unit or displayed in a window, but not freestanding, and indicates the home occupation existing legally upon the premises.
SIGN, OFF PREMISES; BILLBOARD:	A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.
SIGN, PUBLIC INFORMATION:	A sign erected by a public or nonpublic agency, service club, etc., giving information to direct the public to such facilities and/or uses.
SIGN, TEMPORARY:	A sign (which shall include banner, pennants or advertising constructed of cloth, canvas, cardboard, wallboard or other light material, with or without frames,) which is intended to be displayed temporarily for a period of not more that thirty (30) days annually.
STRUCTURAL ALTERATIONS:	Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
STRUCTURE:	A combination of materials that form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.
SUBSTANDARD LOT:	A. Any lot under separate ownership from adjacent lots and of record at the time of passage of this title, that:

1. Legally existed before its current zoning designation;
  2. Has been maintained continuously since the time the zoning regulation governing the land changed; and
  3. Because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.
- B. If such lot has a smaller width than required for the zone in which it is located, the width of each of the side yards for the single-family dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided, that on interior lots the yard shall in no case, be less than five feet (5'), and for corner lots the side yard on the street shall, in no case, be less than fifteen feet (15') or the other side yard be less than five feet (5').

VARIANCE: A modification of specific regulations of this title which the appeal authority is authorized to grant when strict enforcement of such provisions would cause unreasonable hardship as outlined by state law. (4-2010, 7-13-10)

YARD: An open space, on the same lot as a building, unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

YARD, FRONT: The space on the same lot with a building between the front line of the building (exclusive of steps less than thirty (30) inches in height, or stairwells,) and the front lot line, extending the full width of the lot. On a corner lot, the location of the main entrance to a building denotes the front of the building.

YARD, REAR: The space on the same lot with a building between the rear line of the building (exclusive of steps less than thirty (30) inches in height, or stairwells,) and the rear lot line, extending the full width of the lot.

YARD, REQUIRED: The open space around buildings which is required by the terms of this title.

YARD, SIDE: The space on the same lot with a building, between the side line of the building (exclusive of steps less than thirty (30) inches in height, or stairwells,) and the side line of the lot, extending from the front yard line to the rear yard line.

ZONE:	A portion of the incorporated area of the city shown on the zoning map associated with this title and given a formal zoning district designation.
ZONING ADMINISTRATOR:	The person appointed by the mayor and with approval of the city council to administer this title. The zoning administrator may assign or utilize other city employees with the approval of the city council to perform the functions required of the zoning administrator.
ZONING LOT:	See definition of Lot, Zoning. (Ord., 1-22-2002; amd. Ord. 04-12-14, 1-11-2005, eff. retroactive to 12-14-2004; Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002; 2005 Code)
ZONING ORDINANCE	The term “Zoning Ordinance” is interchangeable with the term “Land Use Ordinance” throughout this code. (1-2015, 6-23-15)

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<sup>1</sup> See also definition at sections 3-1-3 and 3-1-7 of this code.

<sup>2</sup> See also section 5-2-1 of this code.

<sup>3</sup> See also title 3, chapter 1 of this code.