

CHAPTER 3

DEFINITIONS

14-3-101 PURPOSE
14-3-102 DEFINITIONS

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Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word building shall include the word structure; the words used or occupied shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word shall is mandatory and not directory and the word may is permissive; the word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word lot includes the words plot or parcel. Words which are not included herein, but are defined in the International Building Code, shall have the meaning as defined within said International Building Code.

14-3-102 DEFINITIONS

1. **ABANDONED VEHICLE:** Any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked, or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is "abandoned" includes, but is not limited to, consideration of the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle's mechanical condition; the state of the motor vehicle's registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.
2. **ABANDONED SIGN:** A sign, sign frame, sign pole, or any part of a sign structure which remains on a property which has been vacant or which remains unused for a period of time in excess of 45 days, or which carries no message.
3. **ACCESSORY USE OR STRUCTURE:** A use or structure that:
 - a. is clearly incidental to and customarily found in connection with a principal building or use;
 - b. is subordinate to and serves a principal building or use;
 - c. is subordinate in area, extent, or purpose to the principal building or principal use served;
 - d. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
 - e. is located on the same lot as the principal building or principal use served.
4. **ACCESSORY DWELLING UNIT (also "Accessory In-Law Apartment"):** A self-contained living unit located on the same property as a principal dwelling and

occupied by a relative or relatives (as defined) of the principal occupant of the principal dwelling.

5. **ADULT DAYCARE FACILITY:** Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.
6. **ADVERTISING OR BUSINESS SIGN:** A sign which directs attention to a business use, product, commodity, or service.
7. **AGENT OF OWNER:** Any person with written authority to act for the property owner.
8. **A-FRAME SIGN:** A freestanding, temporary, and/or movable device constructed of two (2) separate panels and/or sign faces hinged at the top.
9. **AISLE SPACE:** The area located between or behind off-street parking stalls where traffic circulation and access to the parking stalls is provided.
10. **ALTERATION:** Any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.
11. **ALTERATION (Sign):** Changing or rearranging any structural part or design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.
12. **AMUSEMENT DEVICE:** Any machine or device whether mechanically or electronically operated, for the purpose of amusement or skill and for the play of which a fee is charged. The term does not include ride machines designed primarily for the amusement of children, or vending machines in which are not incorporated features of chance or skill.
13. **ANIMATED SIGN:** A sign which
 - a. involves actual motion or rotation of any part of the sign itself by mechanical, electrical, or artificial means, or
 - b. is designed to be moved or is moved by the wind or other natural means, or
 - c. displays motion or the appearance of motion, animation, motion-picture type movement, movement of still images across a screen, flashing or intermittent lighting, color changes, copy changes, changing lighting intensity, or messages through a sequence of progressive changes in lighting; or
 - d. contains an electronic message center, reader board or panel.
14. **ANIMATION:** Simulated movement of shapes, text and other illustrations.
15. **APARTMENT:** A room or suite of rooms designated and intended for living and sleeping purposes and used as a dwelling unit.

16. **APPEAL OF A FINAL DECISION:** A written request made to the appropriate appeal authority, including all required fees, forms, signatures, and exhibits, submitted within the statutory appeal period.
17. **APPEAL PERIOD:** The statutory time frame in which an appeal of a final decision shall be submitted, commencing at the moment the successful vote to approve or deny a land use petition is made by the land use authority.
18. **ARCADE:** Any business catering, though not exclusively, to minors, maintaining four or more amusement devices.
19. **AREA:** The aggregate of the maximum horizontal cross section within given boundaries.
20. **ARTS AND CRAFTS SHOW:** The display and sale of painting, sculpture, handcrafts, and similar objects.
21. **ASSISTED LIVING FACILITY:** Commonly referred to as "residential care", "assistive living" or "personal care community". A residential facility with common area in which services are available to residents who may still live independently within the facility itself. Help is generally offered in day-to-day tasks such as taking medicine, bathing, dressing, using the bathroom, getting to appointments, or preparing meals. A variety of services and amenities such as dining room service, group outings, and recreational and social programs are usually available.
22. **AUTOMOBILE BODY OR FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
23. **AUTOMOBILE LAUNDRY OR AUTOMATIC CAR WASH:** A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.
24. **AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.
25. **AUTOMOBILE REPAIR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor or generator service, muffler shop, but not including body or fender work or painting.
26. **AUTOMOBILE SERVICE CENTER:** A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting, or upholstery.
27. **AUTOMOBILE SERVICE STATION:** A place where gasoline, or any other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including automobile repair such as body and

fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, or vehicle or trailer sales or rental. This definition shall include self-service, mini-market, and live-in service as accessory uses.

28. **AUTOMOBILE TIRE SERVICE CENTER:** A place which sells, repairs, and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.
29. **AUTOMOBILE OR TRUCK PAINT SHOP:** A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.
30. **AUTOMOBILE OR TRAILER SALES AREA:** An open area used for display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
31. **AUTOMOBILE WRECKING YARD:** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.
32. **AVERAGE GRADE:** (See "Grade Plane")
33. **AVERAGE SLOPE:** The words "average slope" shall mean and be determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope of the entire subdivision or lot, as the case may be, before development or construction.

A = Total area in the subdivision or lot, in acres.

L = Sum of the length of all contour lines, in feet.

I = Contour interval in feet.

34. **AWNING:** A roof-like structure constructed of fabric, metal, or other material that extends outward with supports extending back to the building, providing a functional protective shield.
35. **AWNING OR CANOPY SIGN:** A sign painted on, printed on, or otherwise attached to the surface of an awning. (also "Electric Awning Sign")
36. **BACKLIGHTING:** Illumination positioned inside or behind a sign face such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer.
37. **BANNER:** A sign made of fabric or any non-rigid material with no enclosing framework.
38. **BASEMENT:** Any floor level below the first story in a building, except that a floor level in a building have only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

39. BEACON: Any light with one or more beams directed into the sky or directed at one or more points not on the same parcel of land as the light source; also, any light with one or more beams that rotate or move.
40. BED AND BREAKFAST INN: (See Hotel)
41. BEDROOM: A room in a dwelling unit designed, marketed and likely to function primarily for sleeping purposes, separable from other rooms by a door.
42. BEGINNING OF CONSTRUCTION: The time of first excavation for construction.
43. BILLBOARD, OUTDOOR ADVERTISING, and/or OFF-PREMISES SIGN: Any sign which advertises or directs attention to a business, commodity, or service, that is conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
44. BLADE SIGN: (see "Ground Sign")
45. BLOCK FACE: All property fronting upon one side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, City Boundary, public park or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.
46. BOARDER: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who resides on the premises with the operator, shall not be considered to be a boarder.
47. BOARDING HOUSE: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective, or other similar services to the occupants.
48. BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
49. BUFFERING DEVICE: A specific application of a wall, fence, landscaping, or any other permitted device to mitigate the impact of another structure or use.
50. BUILDABLE AREA, (BUILDING ENVELOPE): The portion of a lot remaining after required yards have been provided, except that in the Residential Foothill Zone (R-F) land with an average grade or slope exceeding thirty percent (30%) shall not be considered buildable area.
51. BUILDABLE LAND, (USABLE LAND): Any portion of a property that is not encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include a portion of a property that is less than thirty percent (30%) slope.

52. **BUILDING:** (a) A permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building. The term building shall not include any form of vehicle, even though immobilized. Where this Chapter requires, or where special authority granted pursuant to this Chapter requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding and enclosed on all sides. (b) The act of altering an existing structure or existing terrain. It includes excavating, modifying, or in any way altering unimproved ground for any purposes.
53. **BUILDING, ATTACHED:** A building or buildings connected by any two of the following: a common wall, a continuous wall, a continuous foundation, or a continuous roof line. Walls or fences, patios, porches, terraces or other roofed accessory uses open on at least two (2) sides shall not constitute an attached building.
54. **BUILDING DIRECTORY SIGN:** A pedestrian scale sign which displays the tenant names within a multi-tenant project.
55. **BUILDING FACE, (FACADE):** The vertical portion of any exterior wall of a building including windows, doors, parapet, and mansard, but not including a flat or pitched roof., In a multi-tenant building this shall be defined only as the portion of the exterior wall that directly corresponds to the unit for which the sign is intended.
56. **BUILDING FOOTPRINT:** The portion of a parcel covered by a building or structure at the surface level, measured on a horizontal plane.
57. **BUILDING, HEIGHT OF:** The vertical distance from the grade plane to the highest point of the roof. (See Figures 3-1 and 3-2 at the end of this Chapter)
58. **BUILDING LINE:** A line parallel to the front lot line and at a distance therefrom equal to the required depth of front yard for the zone in which the lot is located and extending across the whole width of the lot.
59. **BUILDING MARKER or HISTORICAL MARKER:** Any marker indicating the name of a building and its construction date, which may or may not include incidental information about its construction or history, and which is embedded or otherwise permanently affixed to the building. Such a marker shall not be defined as a sign.
60. **BUILDING, PRINCIPAL OR MAIN:** The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this Ordinance shall be construed as constituting a principal building.
61. **BUILDING, PUBLIC:** A public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A

public building referred to as with immunity under the provisions of this Title includes:

- a. Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
 - b. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States constitution.
62. CANDELA: A measure for luminous intensity established by The International System of Units.
 63. CANOPY: A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and support extending to the ground directly under the canopy.
 64. CARPORT: A covered automobile parking space enclosed on not more than two sides by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.
 65. CENTER LINE OF STREET: That line designated as Center Line in any street in the City by the records of the City Engineer.
 66. CHANGEABLE COPY SIGN: A sign with information or content which can be changed or rearranged by manual or electric, electro-mechanical, or electronic means. A sign, or portion thereof, on which the message changes more than one (1) time each twenty four (24) hours shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.
 67. CHURCH: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.
 68. CITY COUNCIL: The duly elected City Council of Bountiful City.
 69. CLEARANCE (of a sign): The smallest vertical distance between the grade of the adjacent street, highway, sidewalk or street curb and the lowest point on any sign, including framework and embellishments, extending over that grade.
 70. CLINIC, DENTAL OR MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and a pharmacy, but it shall not include in-patient care.
 71. COLLECTOR STREET: An existing or proposed street which is at least sixty (60) feet wide and which is of considerable continuity, and which serves or is intended to serve as the principal traffic way between large separated areas or districts, and which is the means of access to the major street system.
 72. COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
 73. COMMERCIAL SATELLITE ANTENNA: The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.

74. **COMMERCIAL STORAGE FACILITY:** A building or facility having one or more tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.
75. **CONDITIONAL USE:** A use of land for which a Conditional Use Permit is required pursuant to this Ordinance.
76. **CONDOMINIUM:** A residential structure consisting of two (2) or more units, each under individual ownership, subject to Section 57-8-1, Utah Code Annotate, 1953, as amended.
77. **CONSTRUCTION:** On-site erection, fabrication, installation, alteration, reconstruction, demolition, or removal of any structure, facility, or addition thereto, including all related activities, such as clearing of land, earth moving, excavation, fill, paving, drainage, and landscaping. Also includes the placement, installation, or relocation onto a property of any structure fabricated off-site.
78. **CONSTRUCTION SIGN:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
79. **CONTINUING CARE RETIREMENT COMMUNITY (CCRC):** A residential facility that provides different levels of care ranging from independent living units to skilled nursing care in an affiliated nursing home, based on the residents' needs. The objective is to allow residents the maximum amount of independence as they age while meeting their changing housing, social, and medical needs. Residents may move from one setting to another, but continue to remain part of the overall development.
80. **CONTRACTOR'S LOT:** A fenced, landscaped, illuminated open area used to store, repair, or rebuild heavy duty construction equipment and construction material.
81. **COPY:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
82. **CORNER BUSINESS:** A building or business fronting onto two public streets.
83. **COURT:** A space, open and unobstructed to the sky, located at or above ground level on a lot and bounded on three or more sides by walls or a building.
84. **COVENANT:** A written agreement between the Buyer and Seller of a parcel of land, or between Bountiful City and a property owner, to protect the interest of the neighborhood and the community.
85. **COVERAGE, LOT:** The percent of the total lot area covered by buildings, structures, and roofed areas.
86. **DAY CARE, CHILD:** Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision, (regardless of educational emphasis) to children under fourteen years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child day care.
87. **DAY CARE CENTERS (COMMERCIAL):** Persons, associations, institutions or agencies, which provide day care for thirteen (13) or more children and/or

educational opportunities for children for periods of more than four (4) hours in any one day.

88. **DEVELOPMENT SITE:** The area within the perimeter of a subdivision or a planned unit development, or in the absence of such, the area within the perimeter of a tract, lot, or parcel of land.
89. **DIRECTIONAL SIGN:** An on-premises sign for traffic direction or for designation of, or direction to, any building or location.
90. **DISABILITY:** 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 a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:
 - a. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
 - b. A physical or mental impairment includes the following:
 - i. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - ii. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - iii. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
91. **DISMANTLED VEHICLE:** Any motor vehicle partially or wholly disassembled.
92. **DISSOLVE:** An image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with gradual appearance and legibility of the subsequent image.
93. **DOMESTIC EMPLOYEE OR HELP:** a person who lives as part of the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, working within or around the house where they live performing household, maintenance, child care or similar duties in behalf of the family owning said house. No person and no family member of any person who pays rent for himself or his family shall be deemed the domestic employee or help of the person to whom such rent is paid. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, unattached, or within the single family residence

structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic employees must meet all of the requirements applicable to any other dwelling unit in the zone.

94. DOMESTIC STAFF: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
95. DOUBLE-FACED SIGN: A single sign structure with two sign faces, essentially back-to-back, but which are parallel (no greater than 1 foot apart) or diverge from a common edge by an angle not greater than 30 degrees.
96. DRIVE-APPROACH (Also CURB-CUT or DRIVE-ACCESS): The portion of a right-of-way located between the outside edge of a street travel-way and an adjacent property and which is used or designated for vehicular passage.
97. DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.
98. DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.
99. DWELLING, SINGLE FAMILY: A building arranged, designed, and intended to be occupied by one (1) family, the structure having only one (1) dwelling unit.
100. DWELLING, TWO-FAMILY: A building arranged, designed, and intended to be occupied by two (2) families, the structure having only two (2) dwelling units.
101. DWELLING, MULTIPLE FAMILY: A building arranged, designed, and intended to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
102. DWELLING, UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units unless a second kitchen has been approved pursuant to Section 14-4-120 of this title.
103. EASEMENT, PRIVATE UTILITY: A legal interest in land for the stated purpose of access to or placement of utilities serving a specific property or individual.
104. EASEMENT, PUBLIC UTILITY (P.U.E.): A legal interest in land for the stated purpose of access to or placement of utilities serving the general public.
105. ELECTRONIC MESSAGE CENTER (Also Electronic Reader Board or Electronic Panel): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means, but does not include a digital electronic gasoline price sign that shows numbers only, and does not flash, change colors, show pictures, video or words, or exceed the brightness allowed for electronic message centers.
106. ELDERLY HOUSING: A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: Senior living units, independent living facility, assisted living facility, nursing home, and continuing care retirement community.

107. ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
108. ELECTRIC AWNING SIGN: An awning sign which is internally illuminated or "back lit".
109. ELECTRONIC MESSAGE CENTER (Also Electronic Reader Board or Electronic Panel): A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means.
110. FACE OF A SIGN: The area of a sign on which the copy is placed.
111. FADE: Means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increase intensity to the point of legibility.
112. FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances.
113. FENCE, PERFORATED (NONSOLID or OPEN STYLE): A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
114. FENCE, SOLID: A solid, rigid fence or wall of wood, metal, fiberglass, or masonry, being no more than ten percent (10%) open.
115. FINAL DECISION: A successful motion made by the City Council, Planning Commission, or Administrative Committee to approve or deny a land-use item, effective the moment the vote is taken.
116. FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
117. FLAG LOT: A building lot whose access to a public road is through a section of property that is longer than the minimum required front yard setback, and narrower than the minimum required lot width.
118. FLASHING SIGN: (see "Animated Sign")
119. FLAT SIGN (*see also "Wall Sign"*): Any sign erected parallel to and attached to an exterior wall of a building with messages or copy on one side only
120. FLOODLIGHTED SIGN: Any sign made legible in the absence of daylight by devices which reflect or project light upon it.
121. FLOOR AREA: The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of 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 principal 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.

122. FOOTCANDLE: An English unit of measurement for luminance, which is equal to one lumen, incident upon an area of one foot.
123. FREESTANDING SIGN (also "Pole Sign"): Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
124. FRONTAGE: The length of the property line of any one premises along a public right-of-way on which it borders.
125. GARAGE AND/OR YARD SALE: An occasional sale conducted by a property owner at the owner's place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.
126. GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, designed and/or used primarily for the shelter or storage of vehicles owned and/or operated by the occupants of the principal building, and in which no business for profit is conducted.
127. GARAGE, PUBLIC: Any premises, except those described as private garages, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation repairs, or kept for remuneration, hire, or sale.
128. GARAGE, REPAIR: A structure or portion thereof other than a private garage, use for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by Conditional Use Permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.
129. REGULATORY SIGN: A temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility as authorized by the City Engineer or Planning Director.
130. GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk measured as follows:
 - a. For buildings abutting one street only, the elevation of the sidewalk at the center of that wall abutting the street.
 - b. For buildings abutting more than one street, the average of elevations of the sidewalk at the centers of all walls abutting streets.
 - c. For buildings having no walls abutting a street, the average level of the ground adjacent to the exterior walls of the building measured at a line parallel to the wall within six (6) feet of the wall.
131. GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

132. GROUND SIGN (also "Blade Sign"): A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.
133. GUEST: Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.
134. HANGING SIGN: A sign which hangs from the eve of a roof or from an approved architectural feature of a building.
135. HARD SURFACE: A dust-free paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the City Engineer.
136. HARDSCAPE: Sidewalks, urban trails, plazas, and other pedestrian-oriented non-vegetative landscaping elements.
137. HEIGHT OF ANTENNA: The distance upward from the base of the antenna to the uppermost portion of the antenna. Said distance being measured at a time when said antenna is extended to its greatest height.
138. HEIGHT OF WALLS AND FENCES: Such height shall be measured from the highest of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to an alley or street right-of-way which has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the alley or street where there is no curb.
139. HISTORIC BUILDINGS: Any building listed on the Nation Register of Historic Places, or on the Utah State Register of Historic Sites.
140. HOME OCCUPATION: Any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Bountiful City.
141. HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.
142. HOTEL (INCLUDES MOTELS AND BED AND BREAKFAST): A building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation.
143. HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and/or kept for company or pleasure, not for profit. Household pets shall not include chickens, ducks or geese or other domestic farm variety animals nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety, or welfare of any person or property. The number of household pets shall

be limited to that allowed by the provisions of each respective zone as set forth in this Ordinance.

144. ILLUMINANCE: The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.
145. ILLUMINATED SIGN: Any sign which has characters, letters, logos, figures, designs, or outlines illuminated by internal or external lights, luminous tubes, neon, or similar devices.
146. ILLUMINATION, EXTERNAL: Lighting which is mounted so as to illuminate a sign from a remote position or from outside of the sign structure.
147. ILLUMINATION, INTERNAL: Lighting which is mounted inside or behind a sign.
148. IMAGE: The display of text, numbers or the likeness of an object or living thing of any time on an EMC.
149. IMAGE DISPLAY DURATION: Means the period of time that an image remains static.
150. IMAGE TRANSITION DURATION: Means the period of time in which one image changes to another on an electronic message center.
151. IMPERVIOUS MATERIAL: Any surface material which does not allow for the natural percolation of water into the soil, including but not limited to roofs, concrete patios, concrete or asphalt driveways, tennis and play courts of concrete or similar material.
152. INCIDENTAL SIGN: Any sign of two (2) square feet or less.
153. INDEPENDENT LIVING FACILITY: An age restricted residential facility with common area, which may be comprised of houses, townhouses, or stacked units. A-la-carte services such as housekeeping, meals, recreational programs, etc., are provided based on the desires of the occupants. Some incidental medical services may be provided. Residents typically do not require assistance with everyday tasks.
154. INFLATABLE OR INFLATED SIGN: Any advertising device which is supported by heated or forced air, or lighter-than-air gases.
155. INOPERATIVE VEHICLE: Any motor vehicle that cannot be moved under its own power.
156. INTEGRAL ROOF SIGN: Any sign erected or constructed as an integral or essentially integral part of a roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
157. INTERIOR SIGN: Any sign located within a building so as to be visible only from within the building in which the sign is located.
158. JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

159. KENNEL: A place where three (3) or more dogs of four (4) months of age or older are kept.
160. KITCHEN: Any room and/or other place used, or intended or designed to be used for cooking or the preparation of food that is at a minimum comprised of a set of fixed cooking facilities other than hot plates or other portable cooking units.
161. LANDSCAPING: The addition of lawns, trees, plants, and other natural decorative features to land.
162. LOGO: An image or design which serves to represent a business or company's identity.
163. LOT: A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located. (See Figure 3-4)
164. LOT AREA: The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.
165. LOT, CORNER: A lot situated at the intersection of two streets; or a lot located on a street which does not continue in a straight line and where the angle of departure from the straight line exceeds forty-five (45) degrees. (See Figure 3-4)
166. LOT, DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines. (See Figure 3-4)
167. LOT, FLAG: A lot shaped in such a manner as to resemble a flag on a pole where access from the main portion of the lot (the flag) to the public street is by a narrow private right-of-way (the pole). (See Figure 3-4)
168. LOT, FRONTAGE: Lot width measured at the required front setback line. When a lot has more than one street lot line, lot frontage shall be measured, and the minimum frontage required by this Ordinance shall be provided, at each such line. (See Figure 3-4)
169. LOT, INTERIOR: A lot other than a corner lot. (See Figure 3-4)
170. LOT LINE, FRONT: A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant. (See Figure 3-3)
171. LOT LINE, REAR: The line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or gore-shaped lot, it shall be a straight line ten (10) feet in length which is parallel to the front lot line or its chord and intercepts the two side lot line at points most distant from the front lot line. (See Figure 3-3)
172. LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line. (See Figure 3-3)
173. LOT, STORAGE: A hard surfaced, dust free, landscaped open area, not a street, used to store new or used (not damaged or dismantled), machinery, tools, boats, motor vehicles or trailers, and building materials.

174. LOT, SUBSTANDARD: A lot or parcel that has less than the required minimum area or width as established by the district in which it is located and provided that such lot or parcel was legally recorded in a deed or plat on the effective date of this Ordinance.
175. LOT, VACANT (UNDEVELOPED): A platted lot or parcel of land upon which no structure exists.
176. LOT, WIDTH: The horizontal distance between the side lot lines and measured at the required front yard setback line. (See Figure 3-3)
177. LOW MAINTENANCE: Materials which do not require frequent replacement, painting, or refurbishing as a result of exposure to the elements.
178. LOW PROFILE SIGN: (see "Monument Sign")
179. LUMINANCE: A photometric measure of the luminous intensity per unit area of light traveling in a given direction.
180. MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
181. MAJOR STREET: An existing or proposed street which serves or is intended to serve as a major traffic way, and is so designated on the Master Street Plan.
182. MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
183. MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee.
184. MASTER STREET PLAN: The map and documentation which has been approved by the Bountiful Planning Commission and the Bountiful City Council as a plan for the development of the major and collector street system of the City.
185. MINOR SATELLITE ANTENNA: The outdoor portion of equipment used for receiving satellite signals which appears and is commonly known as a "dish" and which is three (3) feet in diameter or less.
186. MINOR STREET: An existing or proposed street which is fifty four (54) feet wide or less, is supplementary to a collector street, is of limited continuity, and which serves or is intended to serve the local needs of a neighborhood.
187. MOBILE HOME: A vehicular, portable structure built on a chassis and intended to be drawn by a motor vehicle, designed to be used with or without a permanent foundation when connected to utilities and which meets the Department of Housing and Urban Development (HUD) Federal construction and safety standards for mobile homes and is used for permanent or semi-permanent housing or human occupancy, or as an office, a classroom, a laboratory or for processing, manufacturing, retail sales.
188. MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

189. MODULAR HOME: A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International Building Code.
190. MONUMENT SIGN (also "Low Profile Sign"): Any on-premises or identification sign incorporated into some form of landscape scheme or planter box.
191. MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.
192. MOVABLE SIGN: (also "Portable Sign")
193. MULTIPLE-FACED SIGN: A sign containing two (2) or more faces, not necessarily in back-to-back configuration.
194. NATURAL VEGETATION: This term includes orchards, trees, shrubs, lawns, grass, and perennial growth.
195. NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the City Engineer.
196. NIT: A unit of measurement for luminance, which is equal to one candela per square meter, (nit = 1 cd/m²).
197. NONCOMPLYING STRUCTURE: (Also "NONCONFORMING STRUCTURE" or "NONCONFORMING BUILDING") A structure that legally existed before its current land use designation; and 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.
198. NONCONFORMING SIGN: (Also "NONCOMPLYING SIGN") A sign or sign structure that legally existed before its current land use (zoning) designation; and because of subsequent changes to the land use ordinance, does not conform to the regulations that now govern the use of the sign.
199. NONCONFORMING LOT: (Also "NONCOMPLYING LOT") A parcel that legally existed before its current land use (zoning) designation. Shown continuously on the records of the Davis County Recorder as an independently existing piece of property and because of one (1) or more subsequent land use ordinance changes does not conform to the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.
200. NONCONFORMING USE: A use of land that legally existed before its current land use designation that has been maintained continuously since the time the land use ordinance governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
201. NONCONFORMITY: Is a general term to collectively describe a noncomplying structure, nonconforming lot, nonconforming sign, nonconforming use, and/or any other item that legally existed before the current land use (zoning) designation of the property where the said item is located, and that, because of subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.

202. NON-PLANAR: Any object that has more than two substantial surfaces; including a sphere, cube, pyramid, freeform, sculpture, or similar shape.
203. NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
204. NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
205. OFFICES: A building, room, or department wherein a business or service for others is transacted, but does not include the storage or sale of merchandise on the premises.
206. OFF-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development, located on another parcel of property and not on the site intended for such residential development.
207. OFF-PREMISES DIRECTIONAL SIGN: A sign which provides directional assistance to access an establishment on a site other than the parcel on which the sign is located.
208. OFF-PREMISES SIGN: A sign which pertains to the use of a premises and/or property other than the property on which it is located.
209. ON-PREMISES DEVELOPMENT SIGN: Any sign used for the purpose of advertising a new residential development and located on the parcel of property intended for such residential development.
210. ON-PREMISES SIGN: A sign which pertains to the use of the premises and/or property on which it is located.
211. OPEN SPACE, REQUIRED: The area reserved in parks, courts, playgrounds, swimming pools, and other similar open areas to meet the density requirements of Planned Unit Development or bonus increases in density.
212. OPEN SPACE, USABLE: Any portion of a lot or building which meets all the following conditions:
 - a. The space shall be open to the sky or shall be open to view on at least two sides.
 - b. The space shall be readily accessible by foot traffic from dwelling units to which it is accessory.
 - c. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the Building Official to assure reasonable safe usage by children and/or adults.

- d. The space shall not be provided in any required front or side yard, parking area, or driveway space.
213. OPEN-STYLE FENCE: A fence that is at least seventy-five (75) percent open and which does not create a visual hazard for pedestrians and drivers.
214. OTHER NONCONFORMITY: A circumstance governed by this Title other than a noncomplying structure, nonconforming lot, nonconforming sign, or nonconforming use that legally existed before the current land use (zoning) designation of the lot where the nonconformity is located, and because of subsequent land use ordinance changes does not conform to the regulations that now govern the use of the land.
215. OUTDOOR DISPLAY: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.
216. PACKAGE AGENCY (STATE LIQUOR STORE): Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.
217. PARKING LOT: A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.
218. PARKING SPACE: A permanently surfaced area, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of not less than nine (9) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.
219. PARK STRIP: That part of public property which lies between the curb and sidewalk.
220. PAWN BROKER: A person who owns and/or operates a pawnshop, and as further defined by State Law.
221. PAWNSHOP: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.
222. PEDESTAL SIGN: A movable sign supported by a column or columns and a base.
223. PENNANT: Any lightweight plastic, fabric, or other material, with or without a message, suspended from a rope, wire, or string, designed to move in the wind.
224. PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective districts in this Ordinance without specific approval of the Planning Commission but which complies with provisions of the district in which the use is to be conducted.

225. PERSON: A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.
226. PLANER: Having the characteristics of a flat surface or plane; including an object with not more than two identical, flat, parallel surfaces facing opposite directions.
227. PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.
228. PLANNING COMMISSION: The Planning Commission of the City of Bountiful as duly appointed by the provisions of State Law and this Ordinance.
229. PRESCHOOL: An educational facility operated on a residential premise, regularly providing an educational program of instruction for not more than twelve (12) children, including the operator's natural, adopted, or foster children less than six (6) years of age, at any one time. Class shall include not more than twelve (12) children for more than four (4) hours a day and shall be operated between the hours of eight (8) a.m. and six (6) p.m. Instructors shall be licensed by the State of Utah and provide at least thirty-five (35) square feet of interior floor area and at least one hundred (100) square feet of secured outdoor play area per child. Such use shall be defined as a home occupation, conditional use for purposes of this Ordinance and be in compliance with all city codes and regulations of such.
230. POLE SIGN: See FREESTANDING SIGN
231. PORTABLE READER BOARD OR TRAILER SIGN: A reader board sign which is mounted on a portable framework or trailer and intended for temporary use.
232. PORTABLE SIGN (*also "Movable Sign"*): Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frames; menu and sandwich board signs; balloons or other inflatable figures used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
233. PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio, or television signals from a transmitter or a transmitter relay located in planetary orbit.
234. PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
235. PROMOTIONAL EVENTS: Includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or product that are not typically sold or serviced on the site.

236. **PROMOTIONAL SIGNAGE:** Temporary devices such as banners, streamers, flags, balloons, pennants, trailer signs, and inflated signs.
237. **PROPERTY:** A lot or parcel of land together with all structures located thereon.
238. **PROTECTIVE HOUSING FACILITY:** A facility either: a) operated, licensed, or contracted by a governmental entity, or b) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children awaiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4) victims of domestic abuse.
239. **PUBLIC:** That which is under the ownership or control of the United States Government, the State of Utah or any subdivision thereof, Davis County, or the City of Bountiful (or any departments or agencies thereof).
240. **PUBLIC UTILITY EASEMENT:** The area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.
241. **READER BOARD SIGN:** See CHANGEABLE COPY SIGN
242. **REASONABLE ACCOMMODATION:** A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:
- a. **Reasonable:** A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
 - b. **Necessary:** The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
 - c. **Equal Opportunity:** Achieving equal results as between a person with a disability and a nondisabled person.
243. **RECORD OF IMPAIRMENT:** Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
244. **RECREATIONAL VEHICLE PARK:** Any area where one or more travel trailer lots are rented for a relatively short term of occupancy to users of such items as travel trailers, tents, motor homes, etc.
245. **REGARDED AS HAVING AN IMPAIRMENT:** A person is regarded as having an impairment when:
- a. The person has a physical or mental impairment that does not substantially limit one (1) or more major life activities but is treated by another person as having such a limitation;
 - b. The person has a physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others towards such an impairment; or
 - c. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.

246. REHABILITATION/TREATMENT FACILITY: A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
247. RELATED: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
248. RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.
249. RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:
- a. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;
 - b. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Title 26, Chapter 21, Section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.
250. RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS: A single-family or multiple-family dwelling that meets the requirements of Sections 10-9-601 through 604, Utah Code Annotated, 1953, as amended, and the provisions of this Ordinance.
251. RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:
- a. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, licensure of programs and facilities; or
 - b. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, health care facilities licensing and inspection act.
252. RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Ordinance.

253. RETAIL WAREHOUSE SALE: The sale of products or merchandise to the general public by a manufacturing business established on a site which does not operate a retail outlet as a normal element of its business operation.
254. RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.
255. RETIREMENT HOME or RETIREMENT FACILITY: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping, and sanitation. For purposes of calculating density, three (3) beds shall constitute one (1) dwelling unit.
256. ROOF SIGN: Any sign erected or constructed on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
257. ROOF, HIGHEST POINT: The coping or parapet on a flat roof, the deck of a mansard roof, or the mean level between the eaves and the ridge for a gable, hip, or gambrel roof.
258. ROTATING SIGN (also "Animated Sign")
259. SCINTILLATE or SCINTILLATING: Light flashes, light sparkling, light starbursts, light twinkling, light pulsating, or any other image transition effect or animation in which an image instantly and repeatedly changes.
260. SCREENING DEVICE: A specific application of a wall or fence to conceal areas used for refuse, mechanical equipment, parking, service or loading bays or lanes, multi-family habitation, and commercial and industrial activities from adjacent residential districts or from street views.
261. SCULPTURED SIGN: A free-form or three-dimensional sign which has a depth greater than two (2) feet.
262. SEASONAL USE: A specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.
263. SECONDHAND MERCHANDISE: The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law.
264. SECONDHAND MERCHANDISE DEALER: An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.
265. SENIOR LIVING UNIT: Commonly referred to as "senior apartments", "senior condominiums", or "retirement community". An age restricted residential development where residents live independently and do not require assistance with day-to-day activities.
266. SEPARATION: The horizontal distance between signs measured parallel with the street or curb.
267. SETBACK: The shortest horizontal distance between the property line of a lot and the structure or part thereof.

268. SETBACK (sign): The horizontal distance between a property line and the closest edge of the sign structure.
269. SHELTER FOR THE HOMELESS: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary, or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
270. SHELTERED WORKSHOP: An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.
271. SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
272. SIGN AREA: The total area of all faces and decorative elements of a sign or sign structure, excluding the minimum frame and supports. The exception is that for area calculation purposes, the sign area of a double-faced sign shall be the total area of all face and decorative elements on only one side of the structure. For signs which do not have defined display areas or are irregular in shape, the sign area shall be the area of the smallest rectangle or square which will frame the display.
273. SIGN CONSTRUCTION: The materials, architecture, assembly, and installation of a sign.
274. SIGN DESIGN: The form, features, colors, and overall appearance of a sign structure.
275. SIGN HEIGHT: The vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street where there is no curb or sidewalk.
276. SIGN LOCATION: The position on a property where a sign is to be placed.
277. SIGN MAINTENANCE: The maintenance of a sign in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign. Sign maintenance does not imply that a sign may be altered in any way without a sign permit.
278. SIGN SETBACK: The horizontal distance between a property line and the closest edge of a sign structure.
279. SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences or other features of existing or proposed construction or land use.
280. SNIPE SIGN: A sign for which a permit has not been issued and which is attached to a public utility fixture or other outdoor structure located within a public right-of-way or easement, or located on public property.

281. SOFTSCAPE: Landscaping consisting of living plants and organic materials.
282. STATIC: Having no motion of any type or form.
283. STORAGE CONTAINER (also "CARGO CONTAINER" or "FREIGHT CONTAINER"): A pre-manufactured receptacle or vessel that is or appears to be designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities.
284. STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.
285. STORY, FIRST: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.
286. STREET: A publicly dedicated thoroughfare which affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
287. STREET, ARTERIAL - MAJOR AND MINOR: A street providing for through traffic movement between areas and across the city, with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.
288. STREET, COLLECTOR - MAJOR AND MINOR: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property.
289. STREET, LOCAL: A street providing for direct access to abutting land, and for local traffic movements.
290. STREET, PRIVATE: A thoroughfare which is designated for private travel and is in private or public agency ownership over which access is legally denied to the public.
291. STREET, PUBLIC: A thoroughfare which is in public ownership and designated for public travel.
292. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.
293. STRUCTURAL ALTERATION: Any change, addition, or modification in construction of a building or structure, or any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or exits.

294. SUBDIVIDER: The party owning the land that is to be subdivided, or its agent, whether it is an individual, corporation of any form, partnership, or other form of operation.
295. SWAP MEET: The retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours; includes flea markets.
296. SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, which is designed for swimming, wading or bathing. Hot tubs with hard covers and a capacity of less than one thousand (1,000) gallons are not included in this definition.
297. TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted or fixed to the ground.
298. TEMPORARY CARNIVALS AND FAIRS: A specific type of temporary use that includes the provision of mechanical and animal rides, games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.
299. TEMPORARY SALES ACTIVITIES: A specific type of temporary use that includes the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.
300. TEMPORARY SALES OFFICE: A specific type of temporary use that includes a model home or unit within a subdivision, apartment complex, or planned unit development which serves as an office for the sale or lease of property in that subdivision, apartment complex or planned unit development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.
301. TEMPORARY USE: A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.
302. THRIFT STORE: A retail operation that deals in secondhand merchandise that is exempt from the provisions of the "Pawnshop and Secondhand Merchandise Transaction Information Act", set forth in Utah Code 13-32a-101, et seq., and as amended.
303. TOWN-HOUSE (Also TOWN-HOME or ROW-HOUSE): A series of three or more single-family dwelling units designed and constructed with at least two-stories of above ground habitable space, and which are attached horizontally at the foundation, roof, and side wall in a linear arrangement, and which have a private ground level entrance and a totally exposed front and rear wall to be used for access, light, and ventilation.
304. TRADE OR VOCATIONAL SCHOOL: A post high school educational or vocational training facility.

305. **TRANSITIONAL HOUSING FACILITY:** A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.
306. **TRAVEL TRAILER:** A vehicle, other than a motor vehicle, which is designed or used for temporary human occupancy and for travel or recreational purposes.
307. **UNBUILDABLE LAND, (UNUSABLE LAND):** Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Residential Foothill Zone (R-F) this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.
308. **UNINHABITABLE:** (Also “Unlivable”) A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.
309. **UNREGISTERED VEHICLE:** Any motor vehicle not currently registered and licensed in accordance with Utah State law.
310. **UNSIGHTLY:** Blighted condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.
311. **USE:** The purpose for which a parcel or building is designed, arranged or intended or for which it is occupied or maintained.
312. **USE, PRINCIPAL:** The principal use of land or structures, as distinguished from a secondary or accessory use.
313. **UTILITIES:** Gas, culinary water, irrigation water, sewer, storm drain, electric power, and telephone lines, including all poles, wires, pipes, boxes, guy wires and bracing associated therewith.
314. **VARIANCE:** A waiver or modification of the requirements of a land use ordinance as applied to a parcel of property, as set forth in this Title and State Law.
315. **VEHICLE PART(S):** Any items that can be attached to or included as part of or within any motor vehicle.
316. **VICINITY PLAN:** A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.
317. **VIDEO:** Simulated movement created by the display of a series of images, creating the illusion of continuous movement.

318. WALL OR FENCE: Any structure or device used for confinement, prevention of intrusion, boundary identification, or screening of an activity.
319. WALL SIGN: Any sign mounted flush against the facade of a building, painted on a building facade, or that is painted in such a way that it gives the visual appearance of being painted on a wall or building facade but not having a frame or separation from the wall or building facade.
320. WIND SIGN: A sign inflated by, or displayed by wind or air.
321. WINDOW SIGN: A sign attached to interior or exterior of either a window or door, or located within a building so as to be visible through a window or door from the outside of the building.
322. WRECKED VEHICLE: Any motor vehicle damaged to such an extent that it cannot be lawfully operated upon a highway.
323. XERISCAPE: A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape.
324. YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.
325. YARD, FRONT: A space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the front of the building to the property line shall also be considered a Front Yard.
326. YARD, REAR: A space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area from the back of the building to the property line shall also be considered a Rear Yard.
327. YARD, SIDE: A space in the same lot with a building, between the side lot line of the building and the side lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the closest point of the building. In the event a development includes a residential unit placed sideways or at some other angle on a lot (rather than facing directly to the street), the area adjacent to the ends/sides of the building do not become the Side Yard.
328. ZERO LOT LINE DEVELOPMENT: Single-family dwellings arranged on lots with one side wall of the building located on the property line.

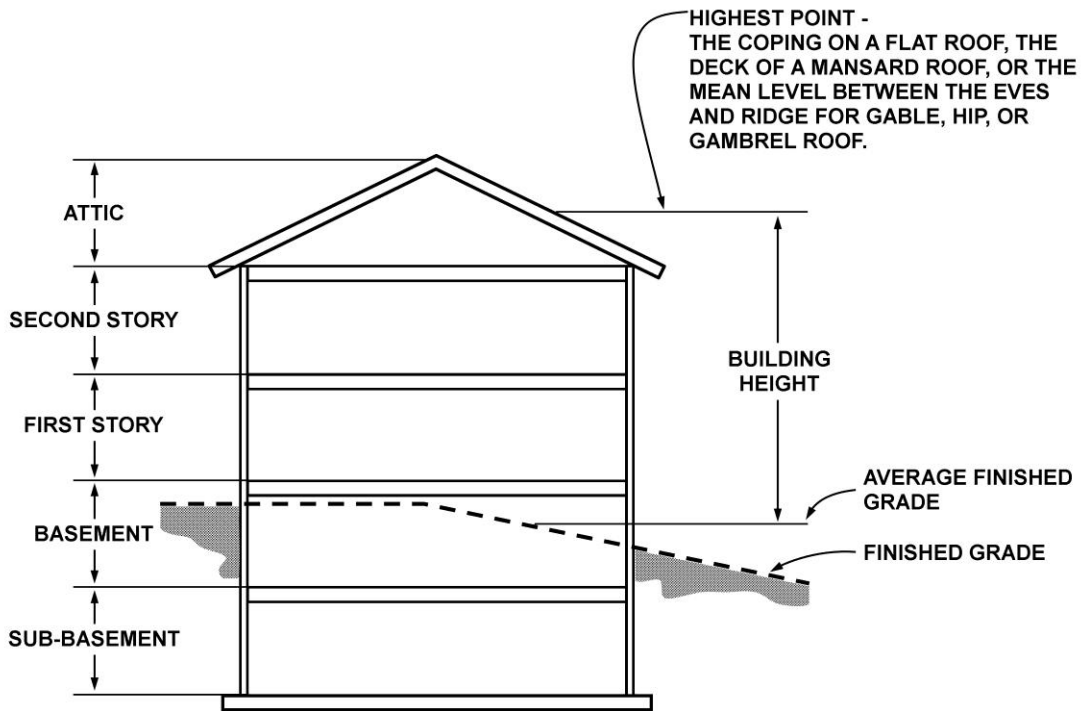


FIGURE 3-1

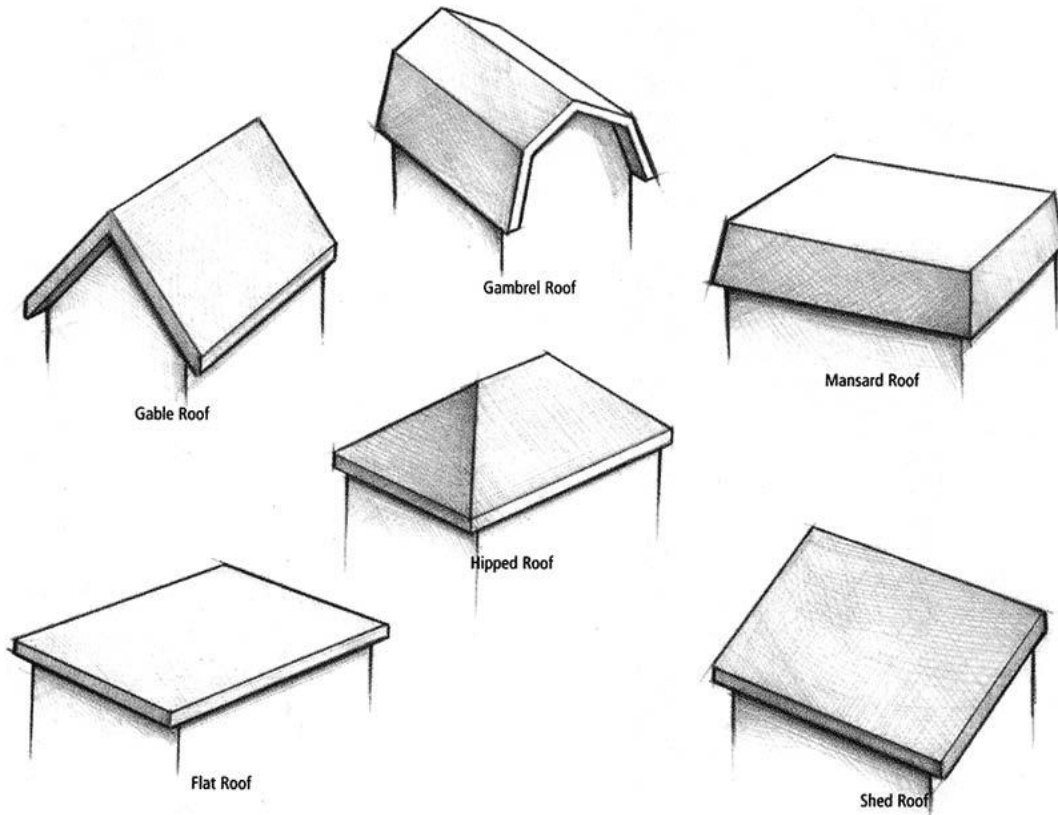


FIGURE 3-2
ROOF TYPES

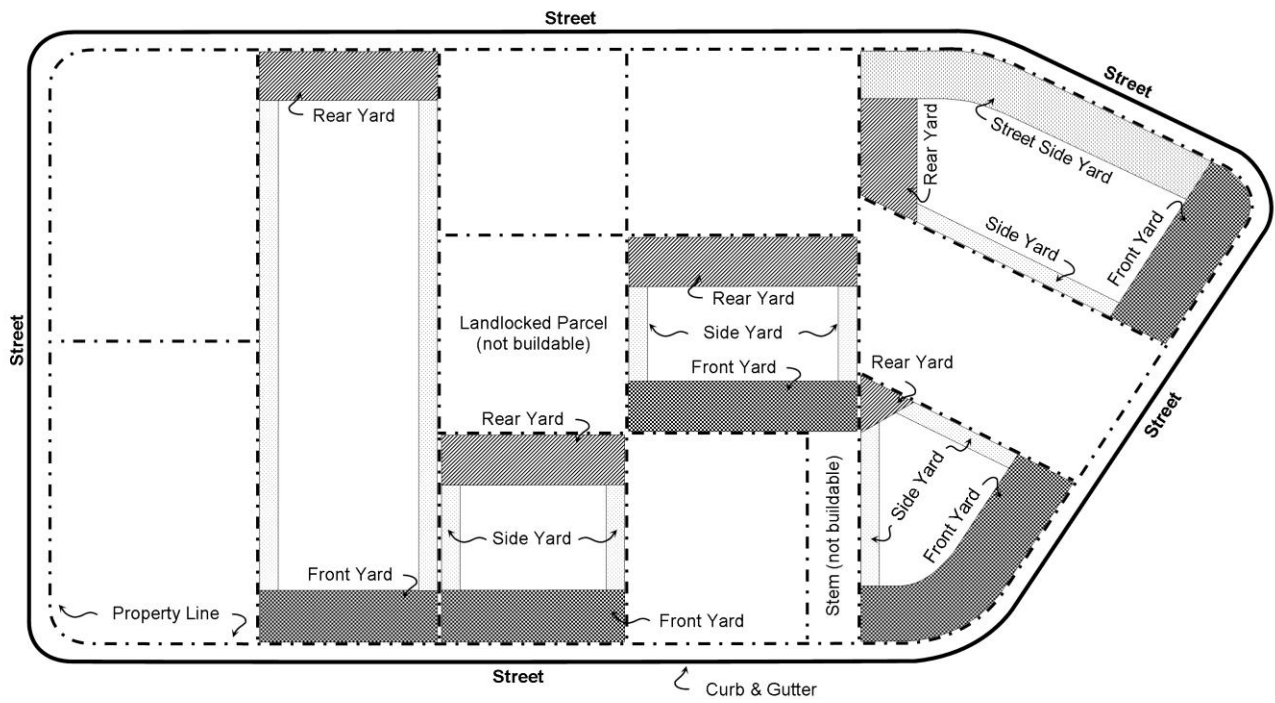


FIGURE 3-3

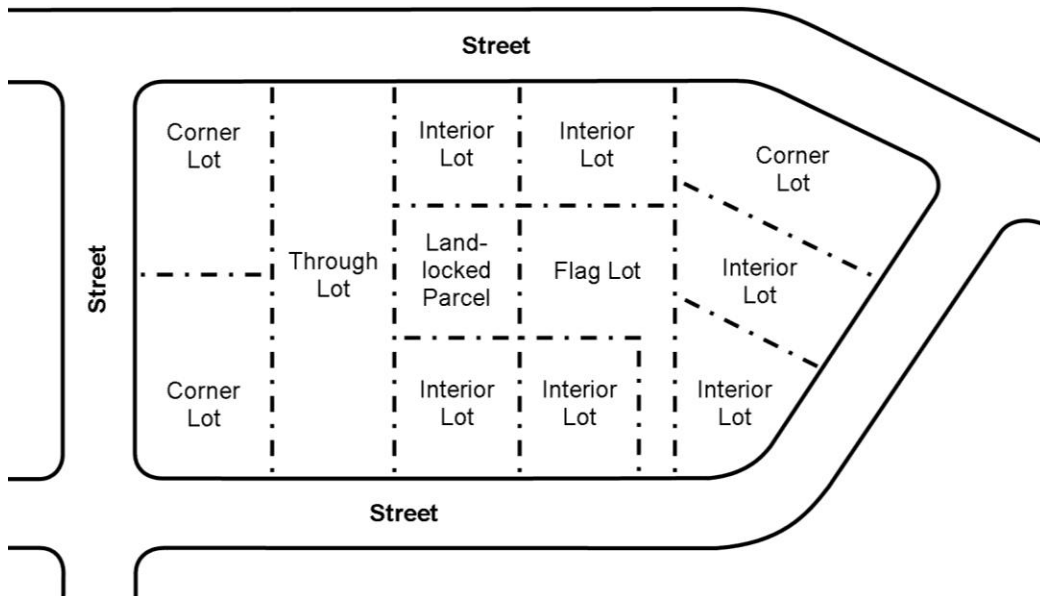


FIGURE 3-4