

CHAPTER 2

DEFINITIONS

2.1 Definitions.

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

(1) "A FRAME SIGN.

Temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

(2) ABANDONED SIGN.

A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

(3) ACCESSORY USE OR BUILDING.

A use or building including solar energy systems and renewable energy uses on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of building. An accessory use or building shall include any structure for caretaker, or security housing, or the confinement of animals.

(4) ACTIVE SOLAR SYSTEM.

A system of equipment capable of collecting and converting incident solar radiation into heat, mechanical or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to the point of use. It includes water heating, space heating or cooling, electric energy generating or mechanical energy generating and the architectural and engineering design or systems necessary to balance or optimize active components.

(5) AGENT.

Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

(6) AGRICULTURE.

The production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business.

(7) AGRICULTURAL INDUSTRY (AGRICULTURAL BUSINESS).

The processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission.

(8) AGRICULTURAL USE BUILDINGS.

A structure used in conjunction with an agriculture use as defined in Section 58-56-4 of the Utah Code, except in a residential area and when not used for human occupancy. Agricultural use buildings are generally exempt from building code requirements, unless plumbing, electrical or mechanical fixtures are included in the structure.

(9) ALLEY.

A public access-way or thoroughfare less than sixteen (16) feet but not less than ten (10) feet in width, which is dedicated or deeded to the public for public use and is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purpose of this Ordinance.

(10) ALLUVIAL SOILS.

Areas subject to periodic flooding as defined in the soil survey prepared by the Soil Conservation Service which encompasses Town of Rush Valley.

(11) ALTERATIONS, SIGN.

A change or rearrangement in the structural parts or design whether by extending on a side; increasing in area or height; or by relocation or changing the position of a sign.

(12) ALTERATIONS, STRUCTURAL.

Any change in the supporting members of a building, such as bearing walls, columns beams or girders.

(13) AMUSEMENT PARK.

Any place of organized amusement activity not conducted wholly within a completely enclosed building, whether a commercial or non-profit enterprise, except temporary celebrations sanctioned by the Town Council by a special permit.

(14) ANIMAL CLINIC (ALSO ANIMAL HOSPITAL).

Any building or portion thereof designed or used for the care or treatment of animals or fowl, and/or in which veterinary service is provided or is available.

(15) ANIMATED SIGN. (See and also note the difference from changeable sign)

A sign or display manifesting either kinetic or illusionary motion occasion by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

(a) Naturally Energized - Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, metallic disks, or other similar devices designed to move in the wind.

(b) Mechanically Energized - signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanical based drives.

(c) Electrically energized - Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. electrically energized animated signs are of two types:

(1) Flashing Signs - Illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varied from zero (off) to 100 percent (on) during the programmed cycle.

(2) Illusionary Movement Signs - Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, or expanding and contracting light patterns.

(16) APPURTENANCES.

Appendages and incidental details on buildings are to be allowed such as building projections, coverings for mechanical equipment, etc.

(17) ARCHITECTURAL PROJECTION.

Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

(18) AUTOMOTIVE BODY AND FENDER SHOP.

A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame or fenders, and including rebuilding.

(19) AUTOMATIC CAR WASH.

A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding 1 & 1/2 tons capacity.

(20) AUTOMOBILE PAINT SHOP.

A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or unit.

(21) AUTOMOBILE REPAIR FACILITY OR SERVICE STATION.

A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles

(22) AUTOMOBILE SALES AREA. An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

(23) AUTOMOTIVE SALVAGE YARD (AUTOMOBILE WRECKING OR PROCESSING YARD).

A lot or portion thereof used for the storage, dismantling, demolition, or abandonment, other vehicles, other machinery, or parts thereof; and any lot with more than four (4) nonoperational vehicles or equipment.

(24) AUTOMOBILE SELF SERVICE STATION.

A place where gasoline or any other motor fuel for operating motor vehicles is offered for sale and is dispensed to the vehicle by the purchaser, the self service station may be independent or in conjunction with a retail store.

(25) AUTOMATIC TRUCK WASH.

A facility for automatic self service washing or cleaning of trucks exceeding 1/2 tons capacity.

(26) AVERAGE SLOPE.

An expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is 100 percent slope.

(27) AWNING.

A shelter projecting from and supported by the exterior wall of a building constructed of non rigid materials on a supporting framework. (Compare "Marquee")

(28) AWNING SIGN.

A sign painted on, printed on, or attached flat against the surface of an awning.

(29) BACK LIT AWNING. (see "Electric Awning Sign")

(30) BANNER SIGN.

A Sign made of fabric or any non rigid material with no enclosing framework.

(31) BASEMENT.

A story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than 1/2 of its floor-to-ceiling heights is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

(32) BASEMENT HOUSE.

A residential structure without a full story structure above grade.

(33) BEGINNING OF CONSTRUCTION.

The excavation or re-contouring of the site.

(34) BIKE PATH (BIKE TRAIL, BIKE LANE).

A right-of-way designed and constructed for use by bicycles and not intended for use by pedestrians or motor vehicles of any kind. A bike path may be located within or without a street right-of-way, at grade, or at grade separated from vehicular traffic. Bike lanes may also be included as a part of a street.

(35) BILLBOARD. (see "Off-Premise Sign").

(36) BLOCK.

The land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat. (37) BOARDING HOUSE. A dwelling where, for compensation, meals are provided for a least 3 but not more than 15 persons.

(38) BUILDABLE AREA.

The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding 15 percent shall not be considered geotechnically buildable unless it is approved by conditional use permit.

(39) BUILDING.

Any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

(40) BUILDING, ACCESSORY.

A building which is subordinate to, and the use of which is incidental to that of the main building or use of the same lot.

(41) BUILDING, HEIGHT OF.

The vertical distance from the average natural grade surface at the foundation, to the highest point of the building roof or coping.

(42) BUILDING OFFICIAL.

The person designated or appointed as the Building Official for The Town of Rush Valley by the Town Council.

(43) CAMPGROUND.

A public area designated by a public agency for camping, or a private area licensed by the Town Council for camping.

(44) CAMPING.

A temporary establishment of living facilities such as tents or recreational coaches as regulated by this Code.

(45) CANOPY (BUILDING).

A rigid multi-sided structure that may or may not be illuminated by means of internal or external sources, covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. (compare "Marquee")

(46) CANOPY (FREESTANDING).

A rigid multi-sided structure that may or may not be illuminated by means of internal or external sources, covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

(47) CANOPY SIGN.

A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

(48) CARPORT.

A private garage not completely enclosed by walls or floors. For the purposes of this Code, a carport shall be subject to all the regulations prescribed for a private garage.

(49) CELLAR.

A room or rooms having more than 50 percent of the floor to ceiling height under the average level of the adjoining ground.

(50) CHANGEABLE SIGN.

A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

(a) Manually Activated - Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

(b) Electrically activated - signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:

(1) Fixed Message Electronic Signs - Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

(2) Computer controlled variable Message electronic Signs - Signs whose informational content can be changed or altered by means of computerized driven electronic impulses.

(c) Mobile, Changeable Copy Sign - A sign mounted on a trailer, frame or legs, lighted or unlighted, box or "A" frame and shall have changeable lettering.

(51) CHIEF EXECUTIVE OFFICER.

The Mayor.

(52) CHILD NURSERY (DAY CARE CENTER).

An establishment for the care and/or the instruction of 5 or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

(53) CHURCH.

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

(54) TOWN COUNCIL.

The elected legislative body of The Town of Rush Valley.

(55) CLEARVIEW ZONE.

The area of a corner lot closest to the intersection which is kept free of impairment to allow full view of both pedestrian and vehicular traffic. Such area is established by marking a point at which the two curb lines intersect, measuring back forty (40) feet along each street, and drawing a line between the two back points to form a triangular area.

(56) CLINIC, DENTAL OR MEDICAL.

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

(57) CLUB, PRIVATE.

A social, recreational, or athletic club or similar association or corporation incorporated under the provisions of the Utah Non-Profit corporation and Co-operation Act for the above-stated purposes, which maintains or intends to maintain premises upon

which alcoholic beverages are or will be stored, consumed or sold, and which for that reason is required to be licensed by the State.

(58) COMMERCIAL STORAGE SHEDS.

A facility that rents indoor storage spaces which do not exceed 20 x 15 in size that are enclosed in a structure with one or more units, and/or outdoor storage space (RV storage, boat storage, etc.).

(59) COMMON AREA.

Any area or space assigned for joint use of residents of a mobile home park, condominium, apartment complex, etc..

(60) COMPATIBLE WITH RESIDENTIAL.

Compatibility will be measured by whether or not the proposed development adversely impacts the quality of life in the area. Property values must be sustained or enhanced as opposed to diminishing values: the effects of ultimate traffic on streets will be considered rather than complaints that a new development will increase unwanted traffic; improvements in the infrastructure will be considered as to how and who pays for them; positive contributions to the financing of needed improvements will be weighed against the assessment on existing residential developments; proximity of possible impacts will be evaluated and non-directly impacted citizens will be considered in the group of the general citizenry. Also considered will be relief from the monotonous, somewhat uniform subdividing of the countryside will be considered a positive factor if it provides an aesthetic relief.

(61) COMPREHENSIVE PLAN. (See General Plan).

(62) CONDITIONAL USE.

This means a land use that, because of its unique characteristics or potential impact on The Town of Rush Valley, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this Code.)

(63) CONDOMINIUM.

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

(64) CONSERVATION STANDARDS.

Guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service, adopted by the Soil and Water Conservation District supervisors, and containing suitable alternatives for the uses and treatment of land based upon its capabilities, from which the land-owner selects that alternative which best meets his needs in developing his soil and water conservation plan.

(65) 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.

(66) CONVENIENCE STORE.

A one story commercial retail operation containing less than 2,500 square feet of gross floor area, designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

(67) COPY, SIGN.

The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

(68) CORRAL.

A space, other than a building, less than one acre in area or less than 100 feet in width, used for the confinement of animals or fowl.

(69) COURT, BUILDING.

An open, unoccupied space, other than required yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

(70) COUNTY.

Means the unincorporated area of Tooele County.

(71) CROSSWALK OR WALKWAY.

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

(72) CUL-DE-SAC.

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

(73) CULINARY WATER FACILITIES.

Water supply lines, pumps, springs, wells, and/or any other physical facilities necessary to provide a supply of culinary water to a use in sufficient quantity and of approved quality to meet the standards of State of Utah Rules for Public Drinking Water Systems and this Code.

(74) DAIRY.

A commercial establishment for the manufacture, processing or packaging of dairy products, and their sale. For purposes of definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

(75) DENSITY.

Density is a measure of the number of dwelling units per acre. It shall be expressed dwelling units per acre (DU/acre). Unbuildable land (as defined by the Planning Commission) is land with a slope greater than 25% , subject to inundation, or other geological hazards.

(76) DESIGN, SUBDIVISION.

The design includes: alignment, grade and width for easements and rights-of-way for utilities; the grading and general layout of lots and streets within the area; location of land to be dedicated for park and/or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

(77) DEVELOPER.

Any person, firm, partnership, corporation or association who causes improvements to be constructed, land use to be changed, or land to be subdivided for himself/herself or others.

(78) DEVELOPMENT (LAND).

The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as a subdivision, P.U.D., mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

(79) DIAGONAL TIE.

Any tie down designed to resist horizontal or shear forces and which deviates not less than 30 degrees from a vertical direction.

(80) DIRECTION/INFORMATION SIGN.

An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs. may contain logo provided that the logo may not comprise more than 20% of the total sign area. May include information about sales of agricultural products produced upon the premises.

(81) DISTRICT (ALSO ZONE OR ZONING DISTRICT).

A portion of the territory of The Town of Rush Valley established as a zoning district by this Code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

(82) DOUBLE-FACED SIGN.

A sign with two faces diverged from a common angle of not more than 45 degrees or back-to-back

(83) DRIVEWAY.

A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

(84) DWELLING.

Any building or portion thereof designed or used as the principal residence of sleeping place of one or more persons or families, but not including a tent, a recreational coach, hotel, motel, hospital, or nursing home.

(85) DWELLING, FOUR FAMILY (FOUR-PLEX).

A building containing only four dwelling units.

(86) DWELLING GROUP.

A group of two or more detached buildings used as dwellings, located on a lot or parcel of land.

(87) DWELLING, MULTIPLE FAMILY.

A building containing more than one dwelling unit.

(88) DWELLING, SINGLE FAMILY.

A building containing only one dwelling unit.

(89) DWELLING, THREE FAMILY (TRIPLEX).

A building containing only three dwelling units.

(90) DWELLING, TWO FAMILY (DUPLICATE).

A building containing only two dwelling units.

(91) DWELLING UNITS.

One or more rooms in a dwelling, apartment complex, hotel, or motel, designed for and/or occupied by family for living or sleeping purposes and having but not more than kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

(92) EASEMENT.

That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property. The easement may be for use on, under, or above said lot or lots.

(93) ELDERLY PERSON.

Means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

(94) ELDERLY RESIDENTIAL FACILITY.

A single family or multiple family dwelling unit that meets the requirements of Utah Code Annotated Section 17-27-501 and any ordinance adopted under authority of that part. An elderly residential facility does not include a health care facility as defined by Utah Code Annotated Section 26-21-2.

(95) ELECTRIC, MOBILE HOME PARK.

All of the electrical wiring, fixtures, equipment and appurtenances related to electrical installations within a mobile home park feeder assembly.

(96) ELECTRIC AWNING SIGN. (also "Back Lit Awning").

An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

(97) ELECTRICAL SIGN.

A sign or sign-structure in which electrical wiring, connection, or fixtures are used.

(98) ELECTRONIC MESSAGE CENTER. (see "Changeable Signs, Electrically Activated")

(99) ENVIRONMENTAL IMPACT ASSESSMENT.

A report which describes, by means of written narrative as well as maps, a geographical area in terms of existing; slope, soils, water, courses, water table, flood hazard areas, geologic hazards, vegetative types, wildlife, wildlife habitat, and essential urban services presently available. The report includes a tabulation of proposed population, density, and the numbers and types of proposed dwellings and other buildings and spaces to be occupied at full development. The report further describes by means of written narrative as well as maps the impact of the proposed development on the following specific subject areas once the anticipated population density is achieved within the area to be developed; water courses and reservoirs, natural vegetation, wildlife, erosion, topsoil, sedimentation of water courses and reservoirs, slope stability, dust, fire potential, accumulation of solid waste or liquid wastes, and the need and desire for urban services. The report also evaluates the potential area-wide economic impact of the development on both private and public economic sectors and the potential impact on school, public utility, and transportation systems. Finally, the report recommends measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from construction of the proposed development, and discusses the benefits to be gained from such development, and what adverse impacts cannot be avoided and the extent of their detrimental influence.

(100) ESSENTIAL FACILITIES.

Those facilities which are common to the community and essential for servicing the residents and businesses; utilities, radio and television stations (transmitting only), cable TV, sanitation, health and public safety for overhead, surface or underground services, and such other necessary uses as may be approved by the Town Council by resolution, but excluding any building, electrical sub-station, or transmission line of 50 kv or greater capacity.

(101) EXCAVATION.

Any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes; whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located, in addition to a conditional use permit if such is required.

(102) FACADE.

The entire building front including the parapet. (103) FACE OF A SIGN. The area of a sign on which the copy is placed.

(104) FAMILY.

One individual, or two 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 four, but not more than four, non-related persons living with the residing family, the term family shall not be construed to mean a group of non-related individuals, a fraternity, club, or institutional group.

(105) FAMILY FOOD PRODUCTION.

The raising of animals for family food production, and horses, on adequate sized lots in appropriate locations. At least 5,000 square feet shall be provided for each large animal (horse, cow, etc.) At least 2,000 square feet shall be provided for each medium

sized animal (pig, sheep, etc.). At least 250 square feet shall be provided for each small animal (rabbits, poultry, etc.) No animal shall be allowed to come closer than 100 feet from any dwelling. Not to include applicant dwelling, gross land area to be used.

(106) FARM OR RANCH.

A farm is a parcel of land in an Agricultural zoning district which is used primarily for horticultural or farming purposes, such as the growing of crops or other vegetative, or fruit agricultural uses. A ranch is a parcel of land in an Agricultural zoning district which is used primarily for ranching purposes, such as grazing of livestock or other non-vegetative or fruit agricultural use.

(107) FEED YARD.

An agricultural industry in which more than 20 animals or fowls are kept and intensively fed in relatively restricted area, as contrasted with open pasturage.

(108) FEEDER ASSEMBLY.

The overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord listed for mobile home use, designed for the purpose of delivering energy from the source of electric supply to the distribution panel board within the mobile home.

(109) FESTOONS (SIGN).

A string of ribbons, tinsel, small flags, or pinwheels.

(110) FINAL PLAT.

A plat map prepared in accordance with the provisions of this Code, which is designed to be placed on record in the office of the County Recorder.

(111) FIRE FIGHTING FACILITIES.

Such water supply, waterlines, fire hydrants and other protective devices as may be required in accordance with the provisions of this Code.

(112) FLASHING SIGN. (see "Animated sign, Electrically Energized").

(113) FLOOD HAZARD.

A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

(114) FLOODLIGHTED SIGN. (see "Illuminated Sign").

(115) FLOOD PLAIN.

Areas adjoining any streams, ponds or lakes which are subject to 100 year recurrence interval floods on maps prepared for the National Flood Insurance Program, or a study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.

(116) FLOOD PLAIN SOILS.

Areas subject to periodic flooding and listed in the soil survey prepared by the Soil Conservation Service which encompasses The Town of Rush Valley as being on the floodplain or subject to flooding.

(117) FLOOD WAY.

An area designated by the Planning Commission and Town Council as subject to periodic inundation.

(118) FLOORAREA.

The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, solar green houses and/or other solar equipment appurtenant to a solar energy system, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or

designed for the parking of motor vehicles in order to meet the parking requirements of this Code, or any such floor space intended and designed for accessory heating and ventilating equipment.

(119) FREESTANDING SIGN.

A sign supported permanently upon the ground by poles or braces and not attached to any building.

(120) FRONT YARD SETBACK.

That part of a lot that fronts a public or private street, road or highway, extending the full width of the lot, which is between the front property line and a building. The depth of the front yard is measured from the front property line to the front of the eaves or the front line of the building whichever is closer to the front lot line. Unenclosed stoops (porches) no larger than six foot by six foot or less is not considered the front line of a building.

(121) FRONTAGE.

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

(122) FRONTAGE, BLOCK.

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

(123) FRONTAGE, BUILDING.

The length of an outside building wall on a public right- of-way or an approved private road.

(124) FRONTAGE, LOT.

The lineal measurement of the front lot line. (125) GARAGE, PRIVATE. An accessory building designed and/or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory, provided that a garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

(126) GARAGE, PUBLIC.

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

(127) GARAGE, REPAIR.

A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, 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.

(128) GENERAL PLAN.

Means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within The Town of Rush Valley (2.1 .9). General Plan also includes what is commonly referred to as a "master plan", or "comprehensive plan".

(129) GEOLOGIC HAZARD.

A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth, Geologic hazards include but are not limited to; rockfills, slide areas, flood plains, fault lines, high water table, and ground water problems, such as liquefaction, etc.

(130) GOVERNING BODY.

Means the Town Council of The Town of Rush Valley.

(131) GOVERNMENT SIGN.

Any temporary or permanent sign erected and maintained by the City, County, State, or Federal government for traffic direction, or designation to any school, hospital, historical site, or public service property, or facility.

(132) GRADE (LOT GRADE, FINISHED GRADE).

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

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

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

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

(133) GROUND ANCHOR.

Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

(134) 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. Height and setbacks are to be the same as for freestanding signs.

(135) GROUP HOMES.

A home for certain handicapped or elderly persons as defined by Utah State law as being permitted in residential areas of The Town of Rush Valley by conditional use permit. (see Elderly, and Handicapped)

(136) HANDICAPPED PERSON.

Means a person who has a severe, chronic disability attributable to a mental or physical impairment, or to a combination of mental and physical impairments, that is likely to continue indefinitely and that results in a substantial functional limitation in three or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction or sequence of special economic self-sufficiency; and, requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and constitute to a residential neighborhood.

(137) HANDICAPPED RESIDENTIAL FACILITIES.

A single family dwelling or multiple-family dwelling unit in which more than one person with a disability resides; and is licensed or certified by the Department of Human Services under Utah Code Annotated Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Utah Code Annotated Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

(138) HEIGHT OF A SIGN.

The vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (compare "Clearance")

(139) HOME OCCUPATION.

A secondary use conducted upon property used primarily for residential occupancy, which is carried on by persons residing thereon. Such a use must be clearly incidental and secondary to the use of the property for residential purposes and that does not change the character thereof. A home occupation shall not be authorized to use advertising, except as otherwise permitted herein. No public display related to a home occupation shall be authorized and no noise may be created which is audible at the boundaries of the premises. The intent of this definition is that the conditional use permit approving any home occupation shall assure that the character of the premises and of the neighborhood will remain in harmony with the general intent of the zoning district and that, where uncertainty exists, neighborhood residential values shall be considered paramount.

(140) HOSPITAL.

An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

(141) HOTEL.

A building designed for or occupied as the more or less temporary abiding place of 16 or more individuals who are lodged for compensation, with or without meals.

(142) HOUSEHOLD PETS.

Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not normally dangerous animals, such as lions or tigers. This definition shall not include a sufficient number of dogs as to constitute a kennel as defined in this code.

(143) IDENTIFICATION SIGN.

A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

(144) ILLEGAL SIGN.

A sign which does not meet the requirements of this code and which has not received non-conforming status.

(145) ILLUMINATED SIGN.

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(146) IMPERVIOUS SURFACE.

Impervious surfaces are those that do not absorb precipitation (water) and thus cause ponding and/or runoff. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Town engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

(147) IMPERVIOUS SURFACE RATIO.

The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the Base Site Area.

(148) IMPOUND/SECURITY LOT.

A security lot fenced with or without guard dog and illuminated, where police or privately impounded vehicles may be kept for legal evidence or other purposes or while awaiting repairs. Normally where damaged are taken after an accident.

(149) IMPROVEMENTS.

Work, objects, devices, facilities, or utilities required to be constructed or installed in a land development. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, streetlights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this Ordinance, subdivision regulations, or by the Planning Commission and/or Town Council for the necessary proper development of the proposed land development.

(150) IMPROVEMENTS AGREEMENT.

An agreement between The Town of Rush Valley and a developer, wherein the developer agrees to install improvements required by this Code, subdivision regulations, or by the Planning Commission and/or Town Council for the necessary proper development of the proposed land development.

(151) INCIDENTAL SIGN.

A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

(152) INOPERATIVE VEHICLE OR TRAILER.

Any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe. This includes any vehicle or trailer that is not currently licensed or which its operation is in violation of local, state and federal laws.

(153) INTEGRATED DEVELOPMENT PLAN.

Comprehensive management for best assurance of maintaining standards and conditions of approval is the intent in the administration of a conditional use permit. Therefore every assurance will be required to maximize the meeting of the community's performance standards and minimize the problems of their enforcement through approved comprehensive management plans which have been prepared by the applicant and approved by the Town Council. Single responsible management is felt crucial to consistent care and observance of binding regulations in assuring compatibility with the surrounding area of certain developments negotiated with the community. Agreed upon penalties for violations of the management plan are considered an important integral part of enforcement.

(154) JUNK.

Any salvaged or scrap copper, brass, iron steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, or other articles or materials commonly designed as junk. Junk shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered as inoperable if it is parked or stored on property outside of an enclosed garage and is not currently registered and licensed in this state or another state.

(155) JUNK YARD.

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

(156) LAND, AGRICULTURAL.

Land used for bona fide agricultural purposes, or which is projected for agricultural use by the master plan or the zoning ordinance adopted by The Town of Rush Valley, but not including legally existing non conforming uses located in areas so projected.

(157) LAND, COMMERCIAL.

Land used for bona fide commercial purposes, or which is projected for commercial use by the master plan or the zoning ordinance adopted by The Town of Rush Valley, except legally existing non conforming uses in areas designated commercial in such ordinance.

(158) LAND DEVELOPMENT STANDARDS.

Adopted construction standards, including but not limited to: drawings, tables, charts and references which have been adopted by the Town Council by resolution and which set standards for the construction of improvements to land and which regulate said construction of improvements to land.

(159) LAND, INDUSTRIAL.

Land used for bona fide industrial purposes or which is projected for industrial use by the general plan or the zoning ordinance adopted by The Town of Rush Valley, except legally existing non conforming uses in areas designated industrial in such ordinance.

(160) LAND USE INTENSITY.

The degree to which land is used by man ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by: type of use (i.e., agricultural, residential, commercial or industrial; period of use in average hours per day; numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and the percent of the land covered by man-made structures.

(161) LANDSCAPING (LANDSCAPED).

Means the planting, paving and dressing of finished graded earth (dirt) including retaining walls, trees, ground cover, perennial plants and annual plants, etc., and together with an (automatic) irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity.

(162) LATERAL SEWER.

A sewer which discharges into another sewer and has only sewer inlets from buildings and structures tributary into it.

(163) LEGISLATIVE BODY.

Means the Town Council.

(164) LIGHT MANUFACTURING.

Only those processes which clearly do not threaten the natural environment with any more pollution than that normally experienced in the neighborhood or immediate vicinity may be considered light manufacturing and permitted in an area. Uses such as electronics, non-toxic welding or soldering of small items, assemblage of relatively small portable devices, highly controlled testing, and small area accessory warehouses or storage facilities to accommodate the in-house manufactured items with their associated stocks of supplies area allowed.

(165) LIGHT VEHICLE OR EQUIPMENT MAINTENANCE.

The performance of routine maintenance tasks such as: changing the oil, checking tire pressure, replacing water hoses, etc., which do not involve the removal, repair or replacement of major mechanical, electrical, hydraulic, pneumatic, or components of the vehicle.

(166) LODGING HOUSE.

A dwelling with not more than 10 guest, rooms where, for compensation, lodging is provided for at least 3 but not more than 15 persons, but not including motels or hotels.

(167) LOT.

A parcel or unit of land abutting a public street or approved private street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision plat map, planned unit development plat map, or condominium lot map, provided it is created pursuant to this Code.

(168) LOT AREA.

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

(169) LOT AREA PER DWELLING UNIT, AVERAGE.

The average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this Code are met.

(170) LOT, CORNER.

A lot abutting upon 2 or more streets at the their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

(171) LOT DEPTH.

The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

(172) LOT FRONTAGE.

The length, in feet, of the front lot line which is co-terminus with the front street line.

(173) LOT FRONTAGE, REQUIRED.

The length, in feet, of the front lot line which is co-terminus with the front street line.

(174) LOT HELD IN SEPARATE OWNERSHIP.

Shall mean all contiguous land held in one ownership at the time of the passage of this Code.

(175) LOT, INTERIOR.

A lot other than a corner lot.

(176) LOT, LEGAL NON-CONFORMING.

A lot which was legally created prior to the adoption of this Code.

(177) LOT LINES.

The property lines bounding the lot.

(178) LOT LINE, FRONT.

For an interior lot, the lot line adjoining the street, for a corner lot or through lot, each lot line adjoining a street.

(179) LOT LINE, REAR.

Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line 10 feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the Building Official or Chairman of the Planning Commission shall designate the rear lot line.

(180) LOT, RESTRICTED.

A lot having an average slope of 15 percent or more; a lot which does not contain at least 75 feet by 100 feet, or the minimum size of a lot permitted in the zoning district where located, with an average slope of less than 15 percent; and/or a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site, has a slope of 15 percent or greater; or a lot subject to geologic hazards.

(181) LOT RIGHT-OF-WAY.

A strip of land not less than 16 feet in width connecting a lot to a street for use as private access to that lot.

(182) LOT, UNRESTRICTED.

A lot having an average slope of less than 15 percent and containing a buildable area of at least 75 feet by one 100 feet, or the minimum size of a lot permitted in the zoning district in which it is located, with an average slope of less than 15 percent, or as a buildable area designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than 15 percent.

(183) LOT WIDTH.

The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

(184) LOW PROFILE SIGN (Also "Monument Sign").

A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

(185) MAIN USE OR BUILDING.

The principal use which will occur on a lot or the principal structure to be used by the principal use on a lot, to which all other uses and structures are necessary.

(186) MAINTENANCE, SIGN.

For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(187) MAINTENANCE, VEHICLE OR EQUIPMENT.

The maintenance or repair of a vehicle or piece of equipment that is other than routine maintenance, which the result of is to make it operable or safe to operate. May involve, the removal and/or replacement of major mechanical, electrical, hydraulic, pneumatic or other components, modifications in design, operation or structure.

(188) MAJOR STREET PLAN.

A map of The Town of Rush Valley which shows the existing and future public street system and which has been officially adopted by the Planning Commission and Town Council as the major street plan for The Town of Rush Valley.

(189) MANSARD.

A sloped roof or roof-like facade architecturally comparable to a building wall.

(190) MANUFACTURED HOUSING.

A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

(191) MARKET ANALYSIS.

An economic analysis of the feasibility of a project. (192) MARQUEE. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (compare 'Awning') (193) MARQUEE SIGN. Any sign attached to or supported by a marquee structure.

(194) MOBILE HOME.

A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to Federal Manufacturing Housing and Safety Standards Act (HUD Code).

(195) MOBILE HOME LOT.

A space designed and approved by The Town of Rush Valley for occupancy by mobile homes, and meeting all requirements of this Code.

(196) MOBILE HOME PARK.

A parcel of land that has been planned and improved for the placement of mobile homes for non-transient use and consisting of two or more mobile home spaces, where the entire project is to be under single ownership or management and meets all of the requirements of this Code for mobile home parks.

(197) MOBILE HOME SERVICE EQUIPMENT.

That equipment containing the disconnecting means, over current protective devices, and receptacles or other means for connecting a mobile home feeder assembly.

(198) MOBILE HOME SPACE.

A space within a mobile home park designed and to be used for the accommodation of mobile home.

(199) MOBILE HOME STAND.

That part of the mobile home space which has been reserved for the placement of the mobile home and its appurtenant structures or additions.

(200) MOBILE HOME SUBDIVISION.

A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

(201) MODULAR UNIT.

A structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Section 58-56-4 of the Utah Code and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

(202) MONUMENT SIGN. (see "Low Profile Sign").

(203) MOTEL.

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

(204) MUNICIPALITY.

Means The Town of Rush Valley, other cities or towns.

(205) NATURAL RETENTION AREA.

An area of poorly drained soils which lies along stream channels or swale or is adjacent to flood plain soils, which is subject to periodic flooding.

(206) NON CONFORMING USE.

Means a use of land that does not conform with current zoning regulations, but, legally existed before its current zoning designation and has been maintained continuously since the time the zoning regulation governing the land changed.

(207) NON CONFORMING SIGN.

- (a) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- (b) A sign which does not conform to the sign code requirements, but for which a conditional use permit has been issued.

(208) NON CONFORMING STRUCTURE.

Means a structure that legally existed before the current zoning designation and because of subsequent zoning changes, does not conform with the zoning regulation's setback, height restrictions, or other regulations that govern the structure.

(209) NURSING HOME (ALSO REST HOME OR CONVALESCENT HOME).

A home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(210) OCCUPANCY.

The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

(211) OCCUPIED AREA.

The total of all of the lot area covered by a mobile home and its accessory buildings on a mobile home lot.

(212) OFFICIAL MAP.

A map of proposed streets that has the legal effect of prohibiting development of the property until the Town develops the proposed street.

(213) OFF-PREMISE SIGN (also "BILLBOARD").

A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising".

(214) OFF-SITE DIRECTIONAL SIGN.

A sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Planning Commission in size, height, and placement as justified.

(215) OFF-STREET PARKING SPACE.

The space required to park passenger vehicle, which space shall meet the requirement of this Code.

(216) OFF-SITE IMPROVEMENTS.

Improvements not on individual lots but generally within right-of-way and the boundaries of the development which they serve, and as further outlined in this Code.

(217) ON-SITE IMPROVEMENTS.

Construction or placement of the main building, and its appurtenant improvements on a lot.

(218) ON-PREMISE SIGN.

A sign which pertains to the use; product or commodity sold; service performed on the premise and/or property on which it is located.

(219) OPEN SPACE.

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

(220) OPEN SPACE RATIO.

A measure of the intensity of land use, it is arrived at by dividing total amount of open space within the site by the Base Site Area.

(221) OPEN SPACE, USABLE.

Usable open space shall be any portion of a lot or building which meets all the following conditions:

- (a) The open 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 the dwelling unit to which it is accessory.
- (c) If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the building inspector to assure reasonably safe usage by the children and adults.
- (d) The space shall not be provided from any required front or side yard, parking area, or driveway space.

(222) OWNER.

The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittee, assignees, or successors in interest.

(223) OVERHANGING SIGN. (see Mansard, Roof Sign”).**(224) PAINTED WALL SIGN.**

Any sign which is applied with paint or similar substance on the surface of a wall.

(225) PARAPET.

The extension of a false front or wall above a roofline (226) PARCEL OF LAND. (See “Lot”).

(227) PARKING FACILITY (PARKING LOTS, PARKING STRUCTURES).

A building or open area, other than a street, used for the parking of more than 4 automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

(228) PARKING LOT.

An open area, other than a street, used for the parking of automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

(229) PASSIVE SOLAR SYSTEM.

A direct thermal system which utilizes the structure of a building and its operable components to provide for collection, storage and distribution of heating or cooling during the appropriate times of the year, by utilizing the climate resources available at the site. It includes those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar and the architectural and engineering design or system simulation necessary to balance or optimize passive components.

(230) PEDESTAL SIGN.

A temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

(231) PEDESTRIAN-WAY (WALKWAY OR CROSS-WALK).

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

(232) PERMANENT MONUMENT.

Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of The Town of Rush Valley for permanent monuments.

(233) PERMITTED USE.

A use of land which is allowed within a particular district without the necessity of obtaining a conditional use permit.

(234) PERSON.

Any individual, corporation, association, firm, partnership, or similarly defined interest.

(235) PLANNED UNIT DEVELOPMENT (PUD).

An integrated design for development of residential, commercial or industrial uses, or limited combination 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 imitative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus planned unit development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this Code, to become effective only through the planned unit development approval process.

(236) PLANNING COMMISSION.

The Planning Commission of The Town of Rush Valley.

(237) POLE COVER (SIGN).

Cover enclosing or decorating poles or other structural supports of a sign.

(238) POLITICAL SIGN.

A temporary sign used in connection with a local, state, or national election or referendum.

(239) PORTABLE SIGN.

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(240) PREFABRICATED HOUSING (See Modular Home).

(241) PREMISES.

A parcel of land with its appurtenances and buildings which, because of its unit of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

(242) PRELIMINARY PLAT.

A drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirement of this ordinance.

(243) PRE-SECTIONED HOME. (See Modular Home).

(244) PRIME AGRICULTURAL SOILS.

Areas of soils most suited for agriculture, those in capability units 1, 11, or 111, as indicated in the soil survey prepared by the Soil Conservation Service which encompasses The Town of Rush Valley.

(245) PRINCIPAL USE.

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

(246) PRIVATE NON-PROFIT RECREATIONAL GROUNDS AND FACILITIES.

Nonprofit recreational grounds and facilities operated by a non-profit corporation, association, or group.

(247) PRIVATE STREET.

A privately owned way or lane which affords the principal means of access to property. A private street which serves two or less dwelling units shall have a right of way width of not less than 30 feet, the middle 20 feet of which shall be covered with an all weather, dustless surface. Private streets which serve more than two dwelling units or two or more separate business activities shall be constructed and maintained according to the Town standards and specifications for a "standard residential street" and shall have a cul-de-sac at the end thereof which also complies with the Town standards and specifications for public cul-de-sacs.

(248) PROCESS OR PROCESSING.

The act, business or procedure of taking raw, extracted or reprocessed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

(249) PROFESSIONAL TEAM, QUALIFIED.

An individual(s) qualified by virtue of training, experience, state licensing where appropriate and membership in professional associations which pass upon qualifications prior to admittance to membership. A determination of whether or not a team is qualified, in the sense explained above, shall be made solely by the Planning Commission.

(250) PROJECTING SIGN.

A sign, other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(251) PROPERTY SIGN.

A sign related to the property upon which it is located and offering such information as the address, the property, warning against trespassing, any hazard, or other danger on the property. (see "Identification Sign")

(252) PROTECTION STRIP.

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

(253) PUBLIC FACILITIES AND PUBLIC SERVICE FACILITIES.

For the public convenience, certain infrastructure including streets, water lines, sewer lines, public utilities and drainage facilities may be allowed to serve various areas of the community, as public facilities. Possible additional facilities such as a sub-station for fire and/or police, post office and/or hospital may be determined to be in the public interest as well, as public service facilities by The Town of Rush Valley.

(254) PUBLIC STREET.

A public way which affords principal means of access to abutting properties.

(255) PUBLIC SYSTEM (WATER OR SEWAGE).

A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of the state of Utah.

(256) QUASI-PUBLIC.

A seemingly public institution, entity or organization that is not actually public. (Because of an independent or private control over it)

(257) REAL ESTATE SIGN.

A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

(258) REAR YARD REGULATIONS (REAR SETBACK).

That part of a lot that adjoins another lot, alley, street, road or highway, which does not provide the main access to the lot, if any access at all is allowed, between the rear line of the building and the rear lot line, and extending the full width of the lot. The length of the rear yard is measured from the rear lot line to the eaves or the rear (back) line of a building whichever is closer to the rear lot line. Unenclosed stoops of six foot by six foot or less is not considered the rear line of a building.

(259) RECREATION DWELLING (CABIN, RECREATION CABIN).

A dwelling designed for limited rather than primary occupancy and generally located adjacent to or with easy access to recreational area. The primary purpose for the construction of such a dwelling is to provide shelter during those limited periods of time when recreation is sought in the adjacent areas.

(260) RECREATIONAL VEHICLE (RECREATIONAL COACH).

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

(261) RECREATIONAL VEHICLE PARK (TRAVEL TRAILER PARK).

Any area or tract of land or a separately designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a temporary time not to exceed 30 consecutive days.

(262) RECREATIONAL VEHICLE SPACE.

A plot of ground within a recreational vehicle park designated and intended for the accommodation of recreational vehicle.

(263) RENEWABLE ENERGY.

That form of energy whose supply is natural, inexhaustible and not dependent upon fossil fuel supplies. Examples include residential solar heat, wind power, geothermal power and many other supply sources.

(264) RESIDENTIAL FACILITY FOR ELDERLY PERSONS.

Means a single-family or multiple-family dwelling unit that meets the requirement of Chapter 8 of this Code and any ordinance adopted under authority of that chapter.

(265) RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS.

Means a single- family or multiple-family dwelling unit that meets the requirements of Chapter 8 of this Code and any ordinance adopted under authority of that chapter.

(266) RESIDUAL LAND.

That land which does not meet the minimum standards for a lot and therefore must be attached and become part of another parcel which does or will conform to lot minimum standards, or be attached to public land for public purposes.

(267) RIGHT-OF-WAY.

That portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

(268) ROADWAY WIDTH.

For a street with battered or roll curb to back of curb, otherwise the width of the actual paved surface.

(269) ROOFLINE.

The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

(270) ROOF SIGN.

Any sign erected partly or wholly over or on the roof of a building. A structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building. (compare "Mansard, "Wall Sign")

(271) ROTATING SIGN. (see "Animated Sign, Mechanically Energized").

(272) SCHOOL, PRIVATE.

A school which is operated by a quasi-public or private group, individual, or organization, for profit or non-profit and which has a curriculum similar to that provided in any public school whether or not a complete educational curriculum.

(273) SCHOOL, PUBLIC.

A school operated by a school district or other public agency in the State of Utah.

(274) SECURITY SURVEILLANCE.

When security is a paramount concern to a project, it may require continuous and comprehensive surveillance of the private streets if access is only through a guarded gate. Under these circumstances it is in the interests of the public to vary requirements sufficient to permit total control of a manager.

(275) SEWER CONNECTION.

A connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home development.

(276) SEWER RISER PIPE.

That portion of the sewer which extends vertically to at least ground elevation and terminates at each mobile home stand.

(277) SIDE YARD SETBACK.

That part of a lot that adjoins another lot, between the side line of the building and the side lot line, and extending from the Front yard setback to the Rear Yard setback. The width of the side yard is measured from the lot line to the end of the eaves or the side line of a building whichever is closer to the side lot line. Unenclosed stoops of six foot by six foot or less is not considered the side line of a building.

(278) SIGN.

Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, person, entity, interest, product, goods, or services. It includes any structural supports, lighting systems, attachments, ornaments or other features.

(279) SIGN, AREA OF.

(a) Projecting and Freestanding - the area of a freestanding or projecting sign shall have only one side of any double or multiple-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets. A rectilinear line of not more than eight (8) sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.

(b) Wall Sign - The area shall be within a single, continuous perimeter composed of any rectilinear line, geometric figure which encloses the extreme limits of the advertising message, If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

(280) SIGN CLEARANCE.

The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishment, if extended over that grade.

(281) SIGN, ELECTRONIC MESSAGE (see "Animated Sign, Electrically Energized").

(282) SIGN, FREE-STANDING. (see "Freestanding Sign").

(283) SIGN IDENTIFICATION AND INFORMATION. (see "Identification Sign").

(284) SIGN ILLUMINATED. (see "Illuminated Sign").

(285) SIGN, MARQUEE. (see "Marquee Sign").

(286) SIGN SETBACK.

The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street or road.

(287) SITE.

A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

(288) SITE AREA.

All land area within the site as defined in the deed. Area shall be determined from an actual survey rather than from a deed description.

(289) SITE PLAN (PLOT PLAN).

A plan required by and providing the information required by this ordinance.

(290) SKETCH PLAN.

A generalized layout of a proposed subdivision or development, with accompanying general proposal and intentions of the Subdivider or developer, and relating the proposed subdivision or development to its area, public, utilities, facilities, services, and to special problems which may exist in the area.

(291) SKY SPACE.

That portion of the sky that must remain unobstructed for a solar collector to operate effectively. The skyjacked can be measured for specific time of year use and location . (See" SOLAR ACCESS").

(292) SNIPE SIGN.

A temporary sign or poster affixed to a tree, fence, etc.

(293) SOLAR ACCESS.

The availability of sunlight to solar collectors and solar energy systems. Solar access to a site depends upon the specific system type and most often demands rooftop, south wall, south lot or detached collector protection.

(294) SOLAR ENERGY CONVERSION SYSTEM.

Includes active, passive and photovoltaic solar systems which when placed on a structure to supply energy to that structure.

(295) SOLAR GREENHOUSE | SUNSPACE | SUNPARLOR.

An attached space to a building or residence which may provide heat and/or food to users as part of a passive solar energy system.

(296) SPECIAL DISTRICT.

Means all entities established under authority of Title 1 7A and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

(297) SPORTSMAN PERMIT.

The keeping of up to five purebred dogs by their owner in a residential area pursuant to a conditional use permit and license issued by the Town Council.

(298) SPOT ZONE.

A zoning amendment which singles out a relatively small parcel for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property, which is invalid because it is not in accordance with a comprehensive plan.

(299) STABLE, PRIVATE.

A detached accessory building for the keeping of livestock owned by the occupants of the premises and not kept for hire, remuneration, or sale.

(300) STABLE, PUBLIC.

A detached accessory building where horses are boarded and/or kept for hire.

(301) STATE STORE.

A facility for the sale of package liquor located on premises owned or leased by the state of Utah and operated by state employees. State store does not apply to any licensee, permitted, or to package agencies.

(302) STEEP SLOPES.

Areas where the average slope exceeds 8 percent which, because of this slope, are subject to high rates of storm water runoff and therefore erosion.

(303) STORY, HALF.

A partial story under a gable, hip, or gambrel roof, the wall plates of which are on at least two opposite exterior walls, do not extend more than four feet above the floor of such story, and the ceiling area of which does not exceed 2/3 of the floor area of ground, or attachment to something having a fixed location upon the ground, includes "building."

(304) STREET AND ROAD SYSTEMS (see Technical Specifications and Standard Drawings for Streets).

(a) Collector - A street which is designed to intercept traffic from a standard residential road. Collector streets are intended to serve up to 1500 average daily trips from 150 to 500 residential or equivalent units.

(b) Cul-de-sac - A street which is designed to remain permanently closed at one end with the closed end terminated with a vehicular turnaround.

(c) Major Arterial - A street which is designed to carry higher speed and higher volume traffic than other streets located in the Town. Major arterial streets are intended to serve 3500 to 8000 average daily trips when the service area is fully developed.

(d) Minor Arterial - A street which is designed to carry through traffic. Minor arterial streets are intended to serve 3500 to 8000 average daily trips when the service area is fully developed.

(e) Public Street - A street or road which has been dedicated or abandoned to the public and accepted by the proper public authority which affords principal access to abutting properties.

(bf) Standard residential - A street which is designed to serve abutting land uses only. Standard residential streets are intended to serve up to 1500 average daily trips from no more than 150 residential or equivalent units.

(G) Stub Streets - A street or road extending from within a subdivision boundary and temporarily terminating with temporary turnaround (cul-de-sac). Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to a connecting street.

(305) STRUCTURE.

Anything constructed, the use of which requires fixed location on the ground or attachment to something having a fixed location on the ground, includes "building".

(306) SUBDIVIDER (DEVELOPER).

Means any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself/herself or others; a developer.

(307) SUBDIVISION (See "DEVELOPMENT").

The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. Subdivision does not include, a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubsidized agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance; a recorded agreement between owners of adjoining properties adjusting their mutual boundary if, no new lot is created and the adjustment does not result in a violation of applicable zoning ordinances; or a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubsidized parcel of property or subject the unsubsidized parcel to the municipality's subdivision ordinance.

(308) SUBDIVISION, CLUSTER.

A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

(309) SUBDIVISION IDENTIFICATION SIGN.

A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

(310) SUBDIVISION, MINOR.

A subdivision of two (2) or less lots, which is not traversed by the mapped lines of a proposed street as shown in the general plan of The Town of Rush Valley, does not require the dedication of any land for street or other public purposes and each lot in the subdivision meets the frontage, width and area requirements of this zoning ordinance and The Town of Rush Valley zoning maps.

(311) SUBDIVISION VACATION.

The process of removing from record a section of land that was subdivided into plats for development or sale, lease or to offer for sale. The subdivision area vacated ceases to exist, and the land is one parcel, and must be restudied to sell in smaller sections.

(312) SWIMMING POOL.

An accessory use subject to all state and local regulations governing safety and health, which requires a conditional use permit.

(313) TECHNICAL REVIEW COMMITTEE.

The Chairperson of the Planning Commission, with the approval of the Mayor, may designate and appoint certain professionals, officials and other competent resource persons to serve as advisors, meeting as a Technical Review Committee to assist her/him, and serve as Planning Commission staff for the purpose of evaluating applications for Planning Commission action.

(314) TEMPORARY SIGN.

A sign not constructed or intended for long-term use, with a maximum time period of ninety (90) days.

(315) TEMPORARY USE.

Any use of land which, in the determination of the Planning Commission, and approved by the Town Council shall not extend beyond 2 years from inception of such land use. A determination as to whether or not a land use is temporary shall be based solely upon facts submitted to the Planning Commission at the time of application for a conditional use permit for a temporary use. Unless found to be temporary, any use of the land shall be presumed to be permanent. Such uses include construction facilities, emergency facilities as well as interim uses of land and buildings awaiting ultimate use, i.e. pasture for a few months before construction begins, a carnival, fair, sports field, staging area, etc.

(316) TIEDOWN.

Any device designed for the purpose of anchoring a mobile home to ground anchors.

(317) TWIN HOME DWELLINGS.

A two-family dwelling that is divided into attached single-family dwellings as the result of a division of the property upon which the two dwellings are situated into two separate lots along the common wall of the two single-family dwellings. The adjoining lots occupied by a twin home shall have the minimum square footage required for any lot in the zoning district in which the property is located, plus the additional square footage required for an additional dwelling unit in the same zone. Twin home dwellings shall be either approved as a part of an initial subdivision application and approval process or as a result of the subdivision amendment process.

(318) UNDER-CANOPY SIGN. A sign suspended beneath a canopy, ceiling, roof, or marquee.

(319) UNINCORPORATED.

Means the area outside of the incorporated boundaries of The Town of Rush Valley, that falls under the jurisdiction of Tooele County.

(320) UNLICENSED MOTOR VEHICLES.

Any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Section 41-22-9 Utah Code Annotated, 1953, as amended. "Unlicensed Motor Vehicle" does not include any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

(321) URBAN SERVICES.

Those services normally associated with urban living, including but not limited to the following; electricity, natural gas, streets, schools, culinary water, sewage collection and treatment facilities, and police and fire protection.

(322) USE.

The purpose for which a building, lot, sign or structure is intended, designated, occupied, or maintained.

(323) "V" SIGN.

A sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees.

(324) VICINITY MAP (LOCATION MAP).

A map or drawing, not necessarily to scale, showing where a subdivision, or proposed subdivision, PUD, commercial development, or other property is located.

(325) VICINITY PLAN.

A map or drawing, to scale, of any area proposed for development, showing existing and proposed streets, buildings, public facilities and utilities within the general influence area of the proposed project such as mile radius; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for project; water course, impoundments, streams, springs, wells and areas subject to continue or occasional flooding on and in the immediate vicinity of the land proposed for project and significant vegetative patterns on and in the immediate vicinity of the land proposed for development.

(326) VIEW-OBSCURING FENCE, WALL OR HEDGE.

A fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

(327) WALL SIGN.

A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letters, and cabinet signs, and signs on a mansard.

(328) WATER CONNECTION.

A connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the dwelling.

(329) WATER RISER CONNECTION.

That portion of the water supply system which extends vertically to at least ground elevation and terminates at the water inlet pipe for each mobile home lot or dwelling.

(330) WETLANDS.

Areas known as marshes, swamps, or wetlands, including all areas greater than one-quarter acre where standing water is retained for a portion of the year and unique vegetation has adapted to the area, or as regulated by the U.S. Army corps of Engineers.

(331) WIND ENERGY CONVERSION SYSTEMS.

Includes structure and all apparatus to utilize wind to drive generator.

(332) WINDOW SIGN.

A sign installed inside a window and intended to be viewed from outside the building.

(333) YARD.

A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Code.

(334) YARD, FRONT. (See: Front Yard Setback).

Note - On a corner lot there are two front yards.

(335) YARD, REAR. (See: Rear Yard Setback)

(336) YARD, SIDE. (See: Side Yard Setback)

(337) ZONE. (See 'District, Zone')