CHAPTER 38

DEFINITIONS
(Amended 5/27/97; 5/25/99; 3/26/02; 7/09/02; 2/14/06; 3/11/08; 3/25/08; 4/22/08; 7/08/08; 7/29/09; 12/08/09; 4/27/10; 7/27/10; 11/15/11; 4/24/12; 5/22/12; 09/11/12; 01/08/13)

Abandon or Abandonment - To leave, desert, or discontinue a use for a period of at least twelve (12) months.

Accessory - Refers to a minor use or structure that is clearly subordinate to a principal use or structure that has been issued a permit under this Code; includes signs.

Accessory Apartment – A completely independent dwelling, occupied by a separate family/housekeeping unit, that is located within or added to an existing dwelling, and that contains all of the following features:

1. A separate entrance.
2. A physical separation from the primary dwelling that does not allow passage between the units such as a wall, a locking door or other means of separation.
3. Separate cooking, eating, sanitation and sleeping facilities.

For the purpose of this Code, an accessory apartment is viewed as a two-family dwelling, and must meet all the requirements for two-family dwellings.

Accessory Building - A structure detached from a principal or primary building located on the same lot and incidental and subordinate to the principal building or use.

Accessory Use - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use. No additional dwelling unit built on the lot either attached or separate from the principal unit without a conditional use permit authorizing such use shall be considered an accessory use.

Addition - Any walled or roofed expansion of a building connected to an existing building by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls in new construction.

Adjacent - All properties immediately contiguous to a development site, including those that are separated from the site only by a road or other right-of-way or easement.

Adult Day Care - A non-medical facility for the daytime care of adult persons, and not exceeding twelve (12) hours, who due to age or disability require assistance, companionship, association and or supervision during the day by staff members.

Agriculture (Horticultural) - An establishment devoted to the tilling of the soil, the raising of crops, pasture, horticulture, orchards and gardens, but not including any agricultural industry or business such as fruit packing plants, canneries or agricultural processing facilities. Agriculture (horticultural production) includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Agriculture (Livestock) - An establishment devoted to the tilling of the soil, the raising of crops, and livestock, but not including any agricultural industry or business such as fur farms, animal hospitals, feed lots or similar uses, and including such uses as crop farms, dairy farms, livestock farms, poultry farms, general farms, horse farms, and similar uses. Agriculture (livestock production) includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Alter or Alteration - To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

Appliance Store - An establishment primarily engaged in the retail sale of household appliances, radio or television supplies, or music supplies. Typical uses include establishments providing the following products or services; vacuum cleaners; radios; television sets; electric and gas appliances for household use; air-conditioning units; freezers; kitchen appliances including ranges, stoves and refrigerators; sewing machines; tape recorders; video cameras and recorders; computers and com-

puter software.

Applicant - The property owner, or authorized agent of the property owner who files an application for development approval pursuant to this Code.

Application for Development Approval or Application - Any written request for approval or issuance of a development order, permit, or license including but not limited to General Plan or Development Code amendments, subdivision plats, site plans, building and development permits, variances, area plans and conditional use permits.

Apartment - Any room or suite of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit and has kitchen facilities permanently installed.

Artisan Shop – A small shop, no larger than one thousand five hundred (1,500) square feet, involving the limited on-site production of goods by hand manufacturing, which involves only the use of hand tools, and the incidental direct sale to customers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing, and crafts production.

Authorized Agent - Any person with valid authority provided by the Owner, as evidenced by a document, filed with the City, authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

Automobile Rental - The business of renting, leasing or bailing of vehicles for a term not exceeding four months and for a fixed rate or price.

Automobile Repair Services - An establishment primarily engaged in the repair of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

Automobile Sales - An establishment primarily engaged in the sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

Automotive and Equipment Services - An establishment primarily engaged in automotive-related or heavy equipment services. The following are automotive and equipment use types: automobile rentals, automobile washing, automotive repair services, commercial off-street parking, equipment repair services, equipment sales, service stations, and vehicle storage.

Auxiliary - Functioning in a subsidiary capacity.

Bar - An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, nightclubs, private liquor clubs and saloons.

Basement - That portion of a building elevation in which 50% or more of the height (as measured from top of finished floor to top of foundation) is below finished grade.

Bed and Breakfast Inn - An establishment in which one to eight rooms are rented for overnight lodging to travelers, and where one or more meals is provided to the guests only, the price of which may be included in the room rate.

Berm - A man-made mound of earth contoured so as to form a mound above the general elevation of the adjacent ground or surface and used to shield and buffer various land uses or other activity.

Billboard - A freestanding sign used, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property on which the sign is located.

Boarding House - A single family dwelling where rooms are provided for lodging for definite periods of times to one or more unrelated individuals. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Body Art - The practice of physical body adornment

by permitted establishments, operators, and registered body art technicians utilizing, but not limited to the following techniques: body piercing, tattooing, permanent cosmetics, branding, and scarification. This definition does not include ear piercing, which shall mean the puncturing of the lobe of the ear with a presterilized single-use-stud-and-clasp ear-piercing system, nor shall it include practices that are considered medical procedures by the state medical board, such as implants under the skin, which shall not be performed by a body art facility.

Brewpub – A restaurant-type establishment that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons) on the same property which produces only enough beer for sale and consumption on-site or for retail carryout sale in containers holding less than two (2) liters. Automated bottle or canning production is prohibited. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, including retail carryout sales of beer.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory - A building or structure which is subordinate to, and the use of which is incidental to, that of the principal building, structure or use on the same lot.

Building Area - The portion of a lot which is within the envelope formed by the required yards or setbacks and non-critical areas.

Building Frontage - That side of a building which faces and is parallel to or most nearly parallel to a public or private road.

Building Height - A vertical distance from the average finished grade to the highest point of the building.

Building Maintenance Services - An establishment primarily engaged in the provision of maintenance and custodial services to firms or dwelling units. Typical uses include exterminating services, disinfecting services, janitorial services, landscape maintenance, or window cleaning services.

Building Official - An employee of the City authorized to issue Building Permits and Certificates of Occupancy.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.

Building Sign - Any sign attached to and supported by a wall of a building or a wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building, shall be considered a building sign and shall be treated in the same manner.

Building Site - That part of a parcel of land designed to be occupied by the principal building and any accessory buildings.

Bulk - The size and shape of buildings, structures, and non-building uses; and the relationship of their exterior walls or their location to lot lines and other buildings or structures; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

Business Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

Capital Improvement - An existing public facility with a life expectancy of six or more years, owned and/or operated by or on behalf of the City, a public entity or a private service provider.

Carport - A roofed automobile structure open and unobstructed on two (2) or more sides.

Car Wash - An establishment primarily engaged in the washing and cleaning of passenger or recreational

vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means.

Cemetery - The use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Change of Use - Any use which substantially differs from the previous use of a building or land, *i.e.*, the previous use is in a different zoning district, as defined in this Code, than the proposed use.

Check cashing, Title Loans & Other Credit Services – An establishment engaging in the business of a check casher as defined in the Utah Check Cashing Registration Act, Utah Code Section 7-23-101 et.seq. (as amended). Check cashing is also defined as providing loans, cash advances, or other forms of credit upon presentation of a personal check or title to a vehicle to be held by the person or entity making the loan, cash advance, or providing the credit. Check cashing includes uses commonly known as payday advances/loans, deferred deposit loans, title loans, and other businesses of a similar nature. However, the definition of check cashing does not include the providing of credit to finance the initial purchase of personal property or the sale of such debt obligations to a factor or financial institution that purchases debt instruments connected with such transactions in the normal course of its business. Banks, credit unions, and pawnshops are not included in the definition of check cashing.

Child Day Care, In Home - Is the care of children within a family residence that provides care for four (4) or more children but less than seven (7) children (including "infant child care" and "family child care" as defined by the Department of Human Services) under 14 years of age for more than three (3) hours at one time, and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. "Child day care" does not mean care provided to children by or in the homes of parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts. The facility must also comply with any applicable IFC and IBC Codes.

Child Day Care, Commercial - Is the care of children within a residential or nonresidential structure providing for the care, supervision and protection for seven (7) or more children and complying with all the requirements as licensed and monitored by the State of Utah Department of Human Services. For the purposes of this Code Child Day Care (Commercial) includes preschools offering educational programs to thirteen (13) or more children at any one time. The facility must also comply with any applicable IFC and IBC Codes.

Child Preschool, In Home – Is the care of children within a residential structure, providing for the instruction and/or education of no more than twelve (12) children for less than three (3) hours at one time. All children participating in a preschool program must be a minimum of three (3) years of age. The facility must also comply with any applicable IFC and IBC Codes.

Church - An institution that persons regularly attend to participate in religious services, meetings, and other related activities.

Cleaner - An establishment primarily engaged in providing the following services: pressing and finishing, dry cleaning, tailoring, or clothing repair or alteration.

Clothing Store - An establishment primarily engaged in the retail sale of apparel and clothing.

Club - An association of persons for the promotion of some common object, members of which are admitted only upon invitation, and the chief activity of which is not conducted for profit.

Cluster - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, other open space and for preservation of environmentally-sensitive and critical areas.

Commercial Campgrounds - Any plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Commercial Recreational Facility -A recreation facility operated as a business on private or public property and open to the public for a fee, such as a golf course, tennis court, equestrian center, , skating rink, mini-golf, amusement park, water park, or substantially similar uses, and support facilities customarily associated with the development.

Commercial Uses - Retail business and service estab-

lishment, professional and governmental offices, and developed recreational uses.

Communications Tower - A structure intended for transmitting or receiving television, radio, or telephone communications.

Common Open Space - Facilities, land and yard areas identified within projects for the use and enjoyment of residents and maintained and operated by the City or an organization accepted by the City.

Commission - The planning commission of the City of Lehi, Utah.

Communications Towers, Communication Systems, Cellular and Mobile Phone Towers and other Antennas and Facilities;

Antenna - A transmitting or receiving device used in telecommunication that radiates or transmits radio or phone signals.

Guyed Wire Tower - An open framed structure supported by guyed wires which extend away from the structure and are fastened to the ground, building or structure.

Lattice Tower - a self-supporting, multiple sided open framed structure used to support telecommunications equipment.

Low Power Radio Services Facility - An structure consisting of equipment used to transmit, receive, and transfer voice or data through radio wave or radio transmissions. Such facilities typically require the construction of support structures to which antenna equipment is attached.

Monopole - A single cylindrical pole that acts as the support structure for antennas.

Roof Mounted Antenna - An antenna or series of antenna mounted on an existing roof or mechanical room.

Wall Mounted Antenna - An antenna or series of antenna on the existing vertical wall of a building or structure.

Whip Antenna - An antenna that is generally cylindrical in shape that can be direction of omnidirectional and which vary in size depending on the frequency and gain for which they are designed.

Conditional Use - A use requiring special consideration and review in the manner identified in this Code.

Condominium - Any structure or group of structures, in which units are owned individually, and the structure(s), common areas and facilities are owned by all the owners on a proportional, undivided basis and which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act.

Constitutional Taking - Actions by the city involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

1. The Fifth or Fourteenth Amendment to the Constitution of the United States;
2. Article I, Section 22, of the Utah Constitution;
3. Any Court ruling governing the physical taking or exaction of private real property by a government entity.

Actions by the city involving the physical taking or exaction of private real property are not a Constitutional Taking if the physical taking or exaction:

1. Bears an essential nexus to a legitimate governmental interest; and
2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

Construction Sales - An establishment primarily engaged in retail or wholesale sale of materials used in the construction of buildings; the wholesale sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include building material stores, tool and equipment rental or sales, and incidental storage on lots other than construction sites.

Construction Service - An establishment providing services relating to the construction, maintenance or repair of dwellings and buildings, including plumbing, heating, air conditioning, painting, electrical services, masonry, carpentry and roofing. Typical uses include building contractors, sub contractors, and handyman services.

Convenience Store - A retail establishment offering for sale prepackaged food products, fast foods, snacks, beverages and household items.

Country Club - A facility providing land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

Coving - A method of subdivision design characterized by staggered setbacks with non-uniform home placement and lot shapes. Coving is used as an alternative to conventional "grid" subdivision layout to enhance aesthetics. When combined with winding roads, lot area can be increased while road area and infrastructure costs can be reduced.

Day Treatment - A facility providing specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service.

Dedication - The legal transference of land without sale by a property owner to a public agency.

Density - The number of dwelling units per acre with respect to residential land uses.

Department Store - A retail establishment offering a wide variety of merchandise and services usually organized in separate departments.

Developer - The owner or authorized agent of land proposed to be subdivided or developed who is responsible for any undertaking that requires review and/or approval pursuant to this Code.

Development or Development Activity - Any of the following activities requiring a permit pursuant to this Code:

1. Change in use.
2. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
3. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.
4. Erection of a permanent sign.
5. Alteration of a historic property for which authorization is required under this Code.
6. Any activity increasing the need for parking.
7. Construction, elimination or alteration of a driveway onto a public road.

Development Permit - Any building permit; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning; or any other official action of the City or any state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the corporate boundaries of Lehi City and subject to the provisions of this Code.

District - A portion of the city within which certain uses of land and buildings are permitted or prohibited and in which other buildings or land restrictions may be specified as set forth herein.

Driveway - A way providing the most direct access for vehicles from a right-of-way to a garage, dwelling, other structure or parking space.

Drive Through Facility - A feature or characteristic of a use involving sales or products or provision of services to occupants in vehicles, including drive-in or drive- up windows.

Dwelling- Any structure designed or used for residential purposes with cooking and bathroom facilities that has been constructed to comply with all building codes of Lehi City, but not including hotels, motels, bed and breakfast facilities nursing home rooms, etc., or structures used for short term residential leases.

Dwelling Unit - One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

Dwelling, Single Family - A building arranged or designed to include only one dwelling unit occupied by one family (See definition of Family) located on a lot containing no other dwelling units.

Dwelling, Duplex - A detached building under one ownership designed for, or altered to provide dwelling units for occupancy by two families living independently of each other with separate kitchens in each

unit.

Dwelling, Three-Family - A building under one ownership arranged or designed to be occupied by three (3) families living independently of each other with each unit having its own kitchen, including apartment houses, but not including motels.

Dwelling, Four-Family - A building under one ownership arranged or designed to be occupied by four families living independently of each other with each unit having its own kitchen, including apartment houses, but not including motels.

Dwelling, Multi-Family - A building, or portion thereof, used and designed as a residence for Five (5) or more families living independently of each other with each unit having its own kitchen, including apartment houses, but not including motels. Individual units may be owned as condominiums or offered for rent.

Dwelling, Townhouse - A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

Dwelling, Condominium - A single unit in a multi-unit project or structure which is separately owned which may be combined with an undivided interest in the common areas and facilities of the property.

Easement - An authorization by a property owner for the use by another or others, and for a specified purpose of any part of the property.

Equipment Sales and Rental - An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

External Buffer - A vegetated area along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

Family - A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of no more than 4 unrelated persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

Fence - A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

Final Site Plan - The map of a proposed development to be filed after approval by the City and any accompanying material as described in this Code.

Final Subdivision Plat - The map of a subdivision to be recorded after approval by the City and any accompanying material as described in this Code.

Financial Institution - An establishment engaged in the business of lending money and/or guaranteeing loans.

Financial Services - An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers loan and lending activities.

Food Processing - An establishment in which foods, grains, or raw materials are processed or otherwise prepared for human consumption, including dairy manufacturing, canning and preserving foods, grain milling, bakery products and beverage manufacturing.

Frontage - All property abutting on one side of a street, between two intersecting streets, measured along the street line.

Funeral Home - An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home or mortuaries.

Furniture Store - An establishment primarily engaged in the retail sale of furniture and furniture accessories. Typical uses include establishments providing the following products: furniture, floor coverings (including carpet), draperies, curtains, upholstery, china, glassware, metal ware, and fireplace screens and accessories.

Garage, Private - A detached accessory building, or a

portion of a principal building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

General Plan - A plan for the city, allowed by state law, prepared and adopted by the Planning Commission and City Council, and including maps, texts, charts, and graphs.

Golf Course - A parcel of land laid out for at least nine holes for playing the game of golf and improved with trees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Governmental Use - A building or structure primarily used for the provision of services by governmental or public agencies, including the city, state or federal agencies. Typical uses include public administrative offices, animal shelters, maintenance facilities, active open space owned and operated by a public entity, fire stations, police stations, utility buildings and similar services.

Grade - The average of the existing ground level at the center of all walls of a building. In case walls are parallel to, and within five feet of, a sidewalk, the ground level shall be measured at the sidewalk.

Greenhouse, Commercial - A building with glass or plastic walls and roof in which plants are raised under controlled conditions for commercial use including experimental purposes, for transplanting, or for sale.

Greenhouse, Private - A building with glass or plastic walls and roof in which plants are raised under controlled conditions for personal use on the property where the greenhouse is located.

Guarantee - Escrow bond in an amount and form satisfactory to the City. All guarantees shall be approved by the City wherever required by these regulations.

Hardware Store - An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, house wares and household appliances, and cutlery.

Health Service - An office, clinic, laboratory or any other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, acupressurist, acupuncturist, therapist, counselor or other similar occupation.

Health Care Facility - General acute hospitals, specialty hospitals, home health agencies, hospices, nursing care facilities, residential health care facilities, birthing centers, ambulatory surgical facilities, small health care facilities, facilities owned or operated by health maintenance organizations, and any other health care facility as defined by the Utah Health Care Facility Licensure and Inspection Act, Utah Code '26-1-2. Health care facility does not include the offices of private physicians or dentists, whether for individual or group practice.

Health Club - Private clubs (athletic, health or recreational), with full service facilities including but not limited to showers, lockers, pools and saunas.

Hedge - A compact planting of any type of plant or shrub, which acts or is intended to act as a fence.

Heliport - any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo and shall include any appurtenant facilities for passengers, cargo, or for the servicing, repair, shelter or storage of helicopters.

Home Occupation - Is any gainful occupation or profession conducted in a dwelling unit engaged in by an occupant of the unit.

Hospital - An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, emergency treatment facilities, diagnostic services, outpatient facilities, training facilities, medical offices, or staff residences.

Hospital, Small Animal - Any facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats and other animals.

Hotel - An establishment containing sleeping rooms for the temporary occupancy of guests including a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, but not including boarding

houses or apartments. Hotels may include the use of extended stay facilities provided they meet the occupancy and design requirements of Section 12.140-B of this Code.

Indoor Entertainment and Theaters - A permanent structure containing facilities for entertainment purposes for drama, dance, musical, or other live performances.

Kennel - Any lot or premises or portion thereof on which three (3) or more dogs, cats and other household domestic animals are maintained, boarded, bred or cared for in return for compensation or kept for sale.

Laundromat - An establishment within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals doing their own laundry and dry cleaning. Laundromat does not include outdoor drying facilities.

Light Manufacturing - An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. Light manufacturing includes the manufacturing of the following items and similar goods: professional instruments, photographic equipment, watches/clocks, jewelry, musical instruments, toys/sporting goods, office supplies and equipment.

Limited Warehousing and Distribution - An establishment offering wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving and storage firms.

Liquor Store – A State-run facility engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine, and liquor, for consumption off the premises.

Loading and Unloading Spaces - A permanently maintained space on the same lot as the principal building with access to a road and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

Lot - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units.

Lot Area - The area of a horizontal plane within the lot lines of a lot.

Lot, Corner - A lot which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) road lines. A lot abutting upon a curved road is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.

Lot Coverage - The percentage of the area of a lot that is occupied by all buildings, and other covered structures and impervious surfaces.

Lot Depth - For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot, Double-Sided - A lot having frontage on two parallel or approximately parallel streets.

Lot, Interior - A lot other than a corner lot.

Lot Line - Any line defining the boundaries of a lot.

Lot Line, Front - The boundary of a lot that separates the lot from the road. In the case of the corner lot, the front lot line is the shorter of the two (2) lot lines separating the lot from the road except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line but not both.

Lot Line, Rear - The boundary of a lot which is most distant from, and is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as

is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot Line, Side - The boundary of a lot, which is not a front lot line or a rear lot line.

Lot of Record - A lot, which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder. "Lot of record" does not include any subsequent conveyance that divides the lot into two or more parcels without a duly approved resubdivision.

Lot Width - For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a road, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the road or street chord; and for lots on the inside of the curve of a road, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the road.

Lumber Yard - An establishment that contains facilities for the sawing, loading or storage of lumber or timber, but not including industrial milling or planning operations.

Main Floor - Split Entry - That portion of the building that fronts on a dedicated city street and is entered at or above finished grade between floors and is the upper level.

Main Floor - Split Level - That portion of the building that fronts on a dedicated city street and is entered at or above finished grade and includes the entry level and the next level up.

Main Floor - Two-Story - The level of that portion of the building that fronts on a dedicated city street and is entered at or above finished grade.

Manufactured Home - A multi-sectional transportable mobile home not exceeding two (2) stories in height and manufactured after June 15, 1976, and Department of Housing and Urban Development approved which is subject to and complies with the federal manufactured home construction and safety standards (42 U.S.C. ' 5403), that when joined forms a residence for human occupancy that measures twenty (20) feet by forty (40) feet or larger and is designed to be installed on a permanent foundation system which can be a permanent foundation wall.

Medical and Dental Clinic – The office of practitioners of the healing arts, and the primary use is the delivery of health care services and where no overnight accommodations are provided.

Medical Laboratory - An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

Medical Research Facility - An establishment primarily engaged in commercial or noncommercial physical and biological research and development for the medical profession.

Mixed Use Development or Mixed Use Project - a proposed development that includes primary nonresidential and primary residential uses on the same development site.

Mixed Use Residential/Commercial Structure - A structure in which residential and commercial uses permitted in a zoning district authorizing mixed-use structures are located within the same building in any arrangement.

Modular Home - A dwelling unit constructed in accordance with the standards set forth by the Department of Housing and Urban Development and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel – An establishment containing sleeping rooms for the temporary occupancy of guests, which may or may not have individual room entrances from outside. Motels may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with motels, but not including boarding houses, apartments, mobile home parks, or travel trailer parks. All motels must meet the occupancy and design requirements of Section 12.140-B of this Code.

Moving and Storage Facilities – A facility engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.

Nightclub – Any establishment that provides dancing involving a dance floor with two hundred (200) square feet of floor area or greater with music or live entertainment in conjunction with the sale, service, or consumption of alcoholic beverages.

Nonconforming structure - A structure that does not conform to the yard coverage, height, setback or other physical dimensional requirement of the district.

Nonconforming use - An activity which is not an allowed use within the Zoning District and which may not conform to the use standards, including parking, regulations in the district in which it is situated.

Nursing Home - An establishment described also as a "rest home," or "convalescent home," other than a hospital, in which persons are lodged and furnished with care rather than diagnoses and treatment.

Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government; unless specifically excluded it includes financial institutions, health services and real estate offices.

Offices, Professional - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

Office/Retail/Warehouse Combination – A commercial building or group of buildings designed for various office, retail and warehouse uses, either individually or in combination. To accommodate the range of possible uses, buildings typically have a retail or office facade with a roll-up door in the rear of the building.

Open Space - means and refers to the following:

1. Active open space, or any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds, and trails; and
2. Passive open space, or areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized and more program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, enhancement areas, nature trails, nature study, and view areas.
3. Roadway areas including rights of way, parking lots, lawns, setback areas or other undisturbed portions of building lots shall not constitute open space.

Outdoor Sales and Display – The display of goods and materials, incidental to an allowed use, on the premises of the existing business. Items must be placed on a hard-surface, outside of public right-of-way and required parking areas, and may only be displayed during regular business hours. For the purposes of this definition, occasional sidewalk sales shall not be considered as outdoor sales and display.

Outdoor Storage - The keeping, in an unroofed area, of any goods, material, merchandise, in the same place for more than 24 hours.

Outdoor Recreation - An area used primarily for recreational activities occurring in an outdoor, unenclosed area, including amusement parks, fairgrounds, driving ranges, drive-in theaters, amphitheaters, and similar uses.

Owner - Any person, or group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

Parking Lot - An unenclosed area, other than a road or right-of-way, devoted to parking spaces for four or more motor vehicles.

Parking Lot, Commercial - A parking lot used for the parking of automobiles for compensation.

Parking Space - An area maintained for the parking or

storage of a motor vehicle, which is graded for proper drainage and is hard surfaced or porous paved.

Parking Structure - A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

Pawn Shop – An individual or business entity who loans money on deposits of personal property or deals in the purchase, exchange or possession of personal property, on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges together with such new merchandise as will facilitate the sale of the same.

Permitted Use - A use of allowed by right under the provision of the Code.

Personal Services - A business which provides a service, such as a beauty salon, a barbershop, hair, nail, massage services and tanning salons. Personal services does not include Sexually-oriented Businesses or Body Art Facilities; except that a licensed and approved personal services business may include body art as a portion of provided services, so long as body art does not compromise more than 10% (ten percent) of the total business and the body art facility is located towards the rear of the establishment in an area separated from the rest of the business by a door that can be shut.

Photo finishing Laboratory, Retail - An establishment primarily engaged in developing film and in making photographic prints and enlargements for the general public.

Photo finishing Laboratory, Commercial/Industrial An establishment primarily engaged in developing film and in making photographic prints and enlargements for other commercial, industrial, service or retail businesses.

Plat Amendment - A change in a map of an approved or recorded subdivision plat if such affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Point Source - Any discernible confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Portable Storage Container - A container that is either rented or purchased that is specifically designed and manufactured for use as a temporary storage device, not exceeding 8 feet in width by 40 feet in length or a total enclosed area of 320 square feet. This definition does not include truck trailers, used semi boxes or other similar containers that have been modified from a previous use.

Preliminary Plat - The preliminary drawing or drawings, described in this Code, indicating the proposed manner or layout of the subdivision.

Preliminary Site Plan - The preliminary drawing or drawings, described in the Code, indicating the proposed manner or layout of a proposed nonresidential, attached residential or mixed-use development.

Premises - Land and/or buildings or other improvements thereon.

Principal Use - The main use of land or a building (as distinguished from an accessory use).

Printing and Publishing Facility - An establishment devoted to the processing, binding, or distribution of reading materials including newspaper, periodical, book publishing, commercial printing, business forms, greeting card manufacturing, book-binding, printing, typesetting and similar uses.

Private School - An educational institution, not operated by a political entity of the State for which entrance or tuition fees are charged for attendance.

Private Utilities - Includes power, telephone, natural gas, cable television and private water supply service.

Public Dance: Any dance other than those conducted and supervised by a church or public school to which admission can be had by the payment of a fee, or by the purchase, possession, or presentation of a ticket or token; or in which a charge is made for caring for

clothing or other property; or by the payment of a fee for music for the dance; or any other dance to which the public generally gain admission, with or without payment of a fee.

Public Dance Hall - Any room, place or space in which a public dance may be held. The on-premise sales, service, or consumption of alcoholic beverages is not permitted in conjunction with this use. (see *nightclub* definition)

Public Improvement - Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or any other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established. All such improvements shall be properly guaranteed and installed as per City codes, specifications and regulations.

Public Use - A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities.

Public Utility - Any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, steam, telephone, and transportation. water, or sewer service.

Public Utility Building - Any buildings or premises used for the administration of public utility repair, maintenance and installation crews, including parking for vehicles not to exceed two tons rated capacity, but not including warehouses or storage yards.

Real estate - The occupation of real estate broker or agent, title insurance, real estate investment, real estate management, real estate developer or similar business.

Recreation, Private - A recreation facility operated on private property and not open to the public, including recreation facilities owned by a homeowner or property owners association for private use by members.

Recreation, Public - A recreation facility or service provided through the use of recreational facilities, systems or improvements operated by a public agency and open to the public with or without a fee.

Recycling Center - A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

Rehabilitation and Treatment Facility - A 24-hour group living environment for four (4) or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

Residential Facility for Elderly Persons - A single-family dwelling unit or multi-family dwelling unit which does not operate as a business provided, however, that a facility shall not be considered a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility; and

1. Is consistent with the requirements of this Code; and
2. Is occupied on a 24-hour-per-day basis by sixteen (16) or fewer elderly persons in a family-type arrangement.
3. The term "residential facility for elderly persons" does not include a health care facility.

Residential Facility for Persons with Disability - A single-family dwelling unit or multi-family dwelling unit which:

1. Is occupied on a 24-hour-per-day basis for 8 or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager; and
2. Conforms to all applicable standards and requirements of the Utah Department of Human Services, and
3. Is operated by or operated under contract with the Utah Department of Human Services.

Research and Development Facilities – An establishment or complex of structures located in a building whose dimension are intended to foster physical, chemical, and biological research and/or experimentation involving but not limited to controlled simulation

of factors, development of prototypes, chemicals, commodities, pharmaceuticals, information technology, electronics and instrumentation for academic and industrial purposes. Light manufacturing may be included as an ancillary use depending on the impact of activity on neighboring property and scale of the premises.

Restaurant - A building in which food is prepared and served for consumption within the premises. Typical uses include buffets; cafes; cafeterias; caterers; coffee shops; dairy bars; diners; dining rooms; dinner theaters; fast food restaurants; food bars; frozen custard, ice cream and yogurt stores; luncheonettes; pizza parlors and pizzerias; sandwich bars; and snack shops. Alcohol may be served on the premises; however revenue from food sales shall constitute at least fifty percent (50%) of the total business revenue.

Residential Lease, Short Term - The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single family or multi-family occupancy or of any other residential property for an effective term of thirty (30) days or less. Residential Lease, Short Term shall also mean the commercial use, by any person, of residential property for hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for thirty (30) consecutive calendar days or less. For the purposes of this definition remuneration means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property. Short term residential leases are prohibited in all agricultural and residential zoning districts including the Mixed Use District, but may be allowed in the Sports Entertainment and Resort Community Districts subject to approval as part of an adopted Area Plan.

Restaurant, Drive-in, or Drive-up Window - A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

Retail Sales, General - An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use, but excluding those classified more specifically in this section. Typical uses include department stores, grocery stores, sporting goods stores, home furnishings and appliances, wallpaper, carpeting and floor-covering or automotive parts and accessories (excluding service and installation).

Ridgeline - An area including the crest of a hill or slope and a vertical, perpendicular distance of one-hundred and fifty (150) feet on either side of the crest.

Right-of-Way - Land acquired and owned by a governmental agency or public utility and reserved for public use.

School - Any building or part thereof that is designed, constructed or used for education or instruction, whether public or private, in any branch of knowledge, and which is State licensed and accredited by the Northwest Association of Schools and Colleges.

Service Station - An establishment in which gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback - The shortest distance between the property and the closest projection of the building excluding uncovered steps or roof eaves, but including pillars or posts supporting roofs or patio covers. A roof overhang may extend a maximum of 18 inches beyond the hardwall, pillar or post from which the setback is measured. To the extent that such overhang exceeds 18 inches, the setback is calculated from the 18-inch overhang line.

Setback line - The line which is the required minimum distance from the property line that establishes the area within which any structure may be erected or placed.

Sexually-oriented Business – For the purpose of defining sexually-oriented businesses and associated words and terms, the following words shall have the following meanings:

(1) "Adult Bookstore", "Adult Novelty Store" or "Adult Video Store" means a commercial establishment:

(a) Which excludes minors from more than fifteen percent of the retail floor or shelf space of the premises; or

(b) Which, as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter; or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations, the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designated for use in connection with "specified sexual activities," except for legitimate medically recognized contraceptives.

(2) "Adult Business" means an adult motion picture theater, adult theater, adult bookstore, novelty store or adult video store.

(3) "Adult Motion Picture Theater" means a commercial establishment which:

(a) Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or

(b) As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which:

(a) Holds itself out as such a business; or

(b) Excludes minors from the showing of two consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition); or

(c) As its principal business, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(5) "Employ" means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

(6) "Escort" means any person who, for pecuniary compensation, dates, socializes, visits, consorts with, or accompanies or offers to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly, or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provide a service not principally characterized as dating or socializing. "Escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

(7) "Escort Service" means an individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

(8) "Escort Service Runner" means any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort, or patron by contacting or meeting with escort services, escorts, or patrons at any location within the City, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.

(9) "Operator" means the manager or other natural person principally in charge of a sexually-oriented business.

(10) "Outcall Services" means services of a type performed by a sexually-oriented business employee outside of the premises of the licensed

sexually-oriented business, including but not limited to escorts, models, dancers and other similar employees.

(11) "Patron" means any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this Chapter.

(12) "Pecuniary Compensation" means any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.

(13) "Person" means any person, unincorporated association, corporation, partnership, or other legal entity.

(14) "Semi-nude" means a state of dress in which:

(a) Fully opaque clothing completely covers the human female breast below a point immediately above the top of the areola, and in the case of a female performer, covers the areola and nipple of such performer in a shape and color other than the natural shape and color of the nipple and areola; and

(b) The male or female genitals, pubic region, buttocks, and anus, are covered by fully opaque clothing no narrower than four inches wide in the front and five inches wide in the back, which shall not taper to less than one inch wide at the narrowest point.

(15) "Semi-nude Dancing Agency" means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.

(16) "Semi-nude Entertainment Business" means a business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.

(17) Sexually-oriented Business – means semi-nude entertainment businesses, sexually-oriented outcall services, adult businesses, and semi-nude dancing agencies, as defined by this Chapter.

(18) "Sexually-oriented Business Employees" means those employees who work on the premises of a sexually-oriented business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually-oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually-oriented business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered sexually-oriented business employees.

(19) "Specified Anatomical Areas" means the human male or female pubic area, genitalia, buttocks, or anus; or the human female breast below a point immediately above the top of the areola.

(20) "Specified Sexual Activities" means:

(a) Acts, whether real or simulated, of: (i) masturbation, (ii) human sexual intercourse, (iii) sodomy, (iv) fellatio, (v) cunnilingus, or (vi) bestiality,

(b) Manipulating, caressing, or fondling, or simulating the manipulation, caressing, or fondling by any person of: (i) the genitals of a human, (ii) the pubic area of a human, (iii) any part of the breast or breasts of a human female; or (iv) any part of the human buttocks or anus.

(c) Actual or simulated sadomasochistic acts, flagellation, or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

(d) The actual or simulated display of human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Shopping Center - A group of two (2) or more commercial establishments or functional units which are planned, built, and managed as one development with off-street parking provided on the property.

Site Plan - A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures, signs, lighting and screening devices; (3) the location of building pads for all residential and nonresidential buildings; and (4) the location and extent of all external buffers from surrounding areas.

Sketch Plan - A sketch preparatory to the preparation of the preliminary plat or preliminary site plan to enable a property owner/developer to gain an understanding of City policies and development requirements that may be considered by the City in reviewing a development application.

Sign;

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Billboard - A sign displaying advertisement for an off-site good or service.

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

Changeable Sign - A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means.

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

Frontage - The length of the property line of any one premise along a public right-of-way on which it borders.

Height - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Monument Sign - A sign mounted directly to the ground with dimensions as allowed by this Code.

Nonconforming Sign - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Pole Coating - A coating enclosing or decorating poles or other structural supports of a sign.

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

Roof Sign - Any sign erected over or on the roof of a building.

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

Temporary Sign - A sign not constructed or intended for long-term use.

Wall Sign - A sign attached essentially parallel to and extending not more than eight (8) inches from the wall of a building with no copy on the sides or edges. This definition includes sign painted directly on the wall of a building.

Storage, Mini - A facility providing storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

Story -That portion of any building included between the surface of any floor and the surface of the next floor or ceiling above it, or any portion of a building elevation in which 50% or more of the height (as measured from top of finished floor to top of foundation) is above finished grade.

Street - The land dedicated to, or established by, use as a public thoroughfare, or a public or private thoroughfare, which affords principal means of access to abutting property.

Structure - A combination of materials to form a construction for use, installed on, above, or below the surface of land or water including a walled and roofed building, as well as a manufactured home on a permanent foundation. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Subdivide - The act or process of creating a subdivision.

Subdivider - Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion.

Subdivision Plat - The final map or drawing, described in this Code, of a plan of subdivision to be presented to the City for approval and when approved, may be submitted to the Utah County Recorder for filing.

Tandem Parking - The parking of one vehicle behind another.

Temporary - Not to exceed a period of one (1) year.

Theater - An establishment primarily engaged in the presentation of plays, motion pictures, or other dramatic performances.

Tobacco Products Shop - Also commonly referred to as a "smoke shop", a Tobacco Sales Shop is a retail establishment that derives fifty percent (50%) or more of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental.

Towing and Impound Yard – An establishment engaged in the temporary storage of vehicles that have been towed, carried, hauled or otherwise moved from public or private property for impoundment in a public or private impound yard. This use includes vehicle transport companies engaged in similar activities as described above. This use does not include vehicle rental or sales of new or used vehicles or parts (except for necessary sales of unclaimed impounded vehicles), vehicle repair, automobile wrecking yard, junk or salvage yard, or a freight terminal. All towing and impound yards must meet the requirements found in Section 12.140 (G) of this Code.

Tradesman Shop - A business providing specialized services and/or products requiring skills and abilities generally acquired through training and apprenticeship, which does not maintain any outside storage of materials, supplies or equipment. Tradesman shops may include limited retail or wholesale sales, as well as repair of furniture, electronics, or other items.

Trailer - A vehicle designed for carrying property or persons on its own structure and for being drawn by a motor vehicle.

Two-Family Dwelling (Duplex) - A building designed for occupancy by two (2) families in separate dwelling units.

Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Vehicle - A device by which any person or property may be propelled, moved or drawn upon a highway, excepting a device moved by human power.

Warehousing and Distribution - An establishment primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants, including Limited Warehousing and Distribution and General Warehousing and Distribution.

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the procedures of the U.S. Army Corps of Engineers.

Wholesale Trade - An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Window - An opening in an exterior wall, normally glazed, to admit light and/or air.

Xeriscape – Landscaping in ways that reduce the need for supplemental irrigation, and that conserve water. Plants, trees and shrubs are used that are appropriate to the local climate, and care is taken to avoid losing water to evaporation and run-off. Xeriscaped areas shall consist of an attractive mix of plantings, boulders and other landscaping materials. At least 50% of the xeriscaped area must contain plants, trees and shrubs. The use of rock mulch or other mulch covering without any plantings does not constitute xeriscape. If rock mulch is used, the areas should contain rocks of differing sizes and include the use of boulders.

Yard - An open area between buildings, structures, or uses and the adjoining lot line, which is unoccupied and unobstructed by any building structure or use from the ground up except as otherwise provided in this Code.

Yard, Front <u>(interior lot)</u> - A yard extending across the front of the lot between the inner side lines and measured between the front line of the lot and the front line of the building.

Yard, Rear <u>(interior lot)</u> - A yard extending across the width of the lot, and measured between the rear line of the lot and the rear line of the main building.

Yard, Side <u>(interior lot)</u> - A yard between the building and the sideline of the lot and extending from the street line of the lot to the rear yard.

Zoning Administrator - A person appointed by the City Council charged with the administration, management, and enforcement of this Code.

Zoning District - A mapped area to which a uniform set of regulations applies, and which are designed to implement the goals and policies of the Lehi City General Plan.