

Section 3101—Purpose and Conflicts:

This Chapter provides definitions of general terms used throughout this Ordinance for which a definition is considered necessary. The words and terms defined in this chapter shall have the meanings as indicated. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory the word "may" is permissive. The word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this Ordinance, certain terms may be illustrated herein. If a conflict arises between an illustration and a definition, the definition shall apply.

Access: The provision of vehicular and/or pedestrian ingress and egress to lot, parcel, building, or structure.

Access Right of Way: A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings or structures.

Active or Valid Building Permit: A building permit that has not expired.

Adjacent Property/Landowners: A lot or parcel of property, or the owner of record of such, according to the records of the Weber County Recorder that has a common immediately contiguous boundary line.

Affected Entity: means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of Transportation, if:

- (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- (c) the entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

Agent: The person with written authorization to represent an owner.

Alcoholic Beverages: Means and includes beer and liquor as those terms are defined in the Utah Alcoholic Beverage Control Act, as amended.

Alley: A public thoroughfare less than twenty-six feet (26') wide.

Alteration: Any change, addition, or modification in construction of a building or structure.

Amateur Radio Antenna: A structure, or structures, and the necessary support structures, and having a combined surface area greater than ten (10) square feet and any single dimension exceeding twelve (12) feet, and used by an amateur radio operator for amateur radio communication.

Amateur Radio Operator: Any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band frequencies.

Antenna: A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Antenna, Monopole: A single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas.

Antenna, Roof-Mounted: One (1) or more antennas mounted on a roof, mechanical room, or other roof mounted structure of a building.

Antenna, Stealth-Design: An antenna and/or antenna mounting system designed to be virtually unseen as the result of design, color schemes, screening, and/or disguising.

Antenna, Wall Mounted: An antenna or series of individual antennas mounted against the vertical wall of a building.

Antenna, Whip: An antenna that is cylindrical in shape. Whip antennas can be directional or omni-directional and vary in size depending upon the frequency and gain for which they are designed.

Appeal Authority: means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

Applicant(s): Any person applying for any license provided for in this title. If the person is a partnership or corporation, then each partner, officer, or director is considered an applicant and must qualify accordingly.

Application: A written request, completed in a manner prescribed in this Ordinance, for review, approval, or issuance of an approval, permit, or license.

Application, Complete: A submission that includes all information requested on the appropriate form and payment of all applicable fees.

Application, Incomplete: A submission that lacks information requested on the appropriate form or the payment of all applicable fees.

Architectural Projection: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs or balconies.

Area Of Special Flood Hazard: The land in the floodplain within community subject to a one percent (1%) or greater chance of flooding in any given year.

Authorized Officers: Those persons authorized by the city or other entities to inspect businesses and enforce the provisions of this Ordinance, the Municipal Code, or other applicable regulations, including peace officers, employees of the health department, fire and rescue department, planning and zoning division, building inspection division, City Attorney's office or the City Manager.

Balcony: A platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement: A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground. A basement shall not be counted as a story for purposes of height measurement.

Bay Window: A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.

Beer: All products that contain sixty three one-hundredths of one percent (0.63%) of alcohol by volume or one-half of one percent (0.5%) of alcohol by weight, but not more than four percent (4%) of alcohol by volume or three and two-tenths percent (3.2%) by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages, or malt coolers. (Utah Code Annotated, as amended).

Berm: A mound of earth used to shield, screen, and buffer undesirable views and to separate land uses.

Best Management Practices (BMPs): A practice, or combination of practices, determined to be the most effective (including technological, economic, and institutional considerations) means of preventing or reducing disturbance or disruption to the natural environment.

Billboard: means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

Building: Any structure, whether permanent or temporary, including but not limited to dwelling units, which are designed, intended or used for occupancy by any person, animals, possessions, or for storage of property of any kind.

Buildable Area: That area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this Ordinance, including any sensitive lands.

Building Code: The International Building Code, as adopted by the City.

Building Facade: That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building Frontage: The horizontal, linear dimension of that side of a building abutting a street, a parking area, or other circulation area open to the public.

Building, Height: The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.

Building Inspection Division: The Building Inspection Division of the Roy City Development Services Department.

Building Line, Front: A line parallel to the front lot line and at a distance there from equal to the required depth of the front yard setback and extending across the entire width of the lot or parcel.

Building Line, Rear: A line parallel to the rear lot line and at a distance there from equal to the required depth of the rear yard setback and extending across the entire width of the lot or parcel.

Building Line, Side: A line parallel to the side lot line and at a distance there from equal to the required depth of the side yard setback and extending between the front and rear building lines.

Building Line: The line circumscribing the buildable area of a lot.

Building Official: The official or other person charged with the administration and enforcement of the Building Code, or duly authorized agent.

Building Permit: A permit issued by the Building Official authorizing a construction activity.

Business: Means and includes all trades, occupations, professions or activities engaged in within Roy City, carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term "business", unless otherwise specifically provided.

Business License Division: The Business License Division of the Roy City Development Services Department.

Canopy: A roofed structure constructed of fabric or other material placed to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building or other supports.

Carport: Roof structures open on at least two sides and subject to all requirements prescribed for a private garage.

Cellar: A story having more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurements.

Certificate of Occupancy: A certificate issued by the Building Official authorizing occupancy of a building or structure requiring a building permit.

Chief Executive Officer: means the Roy City Manager.

City Engineer: A registered civil engineer so appointed by the City.

Clear View Area: Areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this Ordinance.

Cluster Development: A design that concentrates buildings in specific areas on a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land areas.

Code: The Roy City Municipal Code, as adopted.

Commission: The Planning Commission of Roy City, Utah.

Common Area: Facilities and yards under common ownership.

Common Open Space: The land area in a multiple-family residential unit development reserved and set aside for recreational uses, landscaping, open green areas, parking and driveway areas for the common use and enjoyment of the residents of the development.

Conditional Use: means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if

certain conditions are required that mitigate or eliminate the detrimental impacts.

Conditional Use Permit: The permission granted by the City Council authorizing the use of property under special circumstances and with specific requirements and conditions attached.

Constitutional Taking: means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

- (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- (b) Utah Constitution Article I, Section 22.

Construction: The materials, architecture, assembly, and installation of a building or structure.

Construction Activity: All grading, excavation, construction, grubbing, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new primary or accessory structure on a lot or parcel.

Corral: A space, other than a building, less than ten thousand (10,000) square feet in area, and less than one hundred feet (100') in width, used for the confinement of animals.

Council: The City Council of Roy City Utah.

County: The unincorporated area of Weber County, Utah or the Board of County Commissioners of Weber County, Utah.

Court: An unoccupied open space, other than yard, on the same lot with a building or buildings, which is bounded on two (2) or more sides by the walls of such building or buildings.

Cul-de-sac: A local street with only one (1) outlet and an area for the safe and convenient reversal of traffic.

Culinary Water Authority: means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

Cut: The process of lowering the natural grade for a portion of the development site, or the depth or the volume of such material removal. The reference for a cut shall be measured from natural to finished grade.

Decibel (dB): A unit of measure used to express intensity of noise.

Declaration: The legal instrument by which property is subjected to the provisions of the Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

Dedication: The setting aside of land by an owner for any public use or purpose for the full exercise and enjoyment of the public.

Demolish or Demolition: Any act or process that destroys in part or in whole a building or structure.

Density: The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. Density is a function of both the number and type of dwelling units and/or non-residential square footage and the land area.

Density Base: The number of dwelling units per acre allowed in a zoning district.

Density, Gross: The number of dwelling units per acre within a subdivision or other development based on the total area whether developable or not, including streets, public areas, water areas, open space areas, and sensitive lands.

Density, Incentive: The number of additional dwelling units per acre allowed in addition to base density.

Density, Net: The number of dwelling units per acre within a subdivision or other development and excluding all areas used for streets, public areas, water areas, open space areas, sensitive lands, or encumbered in any other way or any other purpose.

Developer: Any person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this Ordinance or the Roy City Subdivision Ordinance.

Development Activity: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for capital facilities or services; (e) The property being developed and/or subdivided; or (f) The act, process or result of developing.

Development Agreement: A contract or agreement between an applicant or owner and the Council pursuant to the provisions in this Ordinance.

Development Approval: Any written authorization from the City that authorizes the commencement of a development activity.

Development Services Director: The Director of the Roy City Development Services Department, as appointed, or the Director's authorized designee.

Development Site: The total perimeters of a tract, lot, or parcel of land intended to be used for a development activity.

Disability: means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

Driveway: A private access, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

Dwelling Unit: A building, or portion thereof, containing one (1) or more rooms and one (1) kitchen and including areas for living and sleeping, designed to be used for human occupancy, complying with all provisions of the Building Codes, Subdivision Ordinance, and Zoning Ordinance, as adopted and as applicable.

The definition of a dwelling unit shall also include:

- a. **Dwelling Unit, Manufactured.** A transportable factory built housing unit (dwelling 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 (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent

foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the International Building Code, as adopted by Roy City, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the International Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the International Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units 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. A Manufactured dwelling Unit shall be identified as real property on the property assessment rolls of Weber County.

- b. Dwelling Unit, Mobile Home. A transportable factory built housing unit (dwelling unit), constructed prior to June 15, 1976, not in accordance with the Federal Home Construction and Safety Standards Act of 1974 (HUD Code).

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

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.

Engaging In Business: Includes, but is not limited to, the sale of real or personal property at retail or wholesale, the bartering or trading of property or services, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

EPA: The U.S. Environmental Protection Agency.

Escrow: A deposit of cash with the City or approved alternate in lieu of cash held to ensure a performance or a maintenance guarantee.

Excavation: The removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

External Illumination: Lighting which illuminates a building or structure from a remote position, or from outside of the building or structure.

Family: A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: (a) Any number of people who are related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises; or (b) four [4] unrelated people; or (c) two unrelated people and any children related to either of them. "Family" does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

Fence: A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect, of preventing passage or view across the fence line. "Fence" includes hedges and walls.

Fence, Open: A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the natural or finished grade.

Fence, Sight Obscuring: A fence which permits no vision (0%) through any part of the fence at a more than eight (8) inches above the natural or finished grade.

Fill: Earth materials used as a manmade deposit to raise the grade, or the depth or the volume of such material. The reference for a fill shall be measured from natural to finished grade.

Final Action: The final vote or decision on a matter.

Fire And Rescue Department: The Roy City Fire Department.

Fiscal Impact Analysis: An analysis that describes the current or anticipated effect upon the public costs and revenues imposed by a development activity.

Flood Or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (Firm): An official map of a community on which the federal emergency management agency has delineated areas of special flood hazard designated as Zone A.

Flood Plain, 100 Year: A designated area where a peak flow magnitude has about a 1 percent chance of being equaled, or exceeded in any year. The area within a flood plain is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed. The flood would have an average frequency of occurrence of about once in 100 years.

Floor Area: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed terraces. All dimensions shall be measured from the exterior faces of the exterior walls.

Floor Area, Livable (Net Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the inside wall surfaces including basements but excluding, garages, porches, utility rooms, stairways, storage rooms, and unroofed balconies and patios.

Floor Area, Total (Gross Floor Area): The sum of the footage contained within all buildings or structures on a site measured from the outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

Floor Lot Area Ratio: The total floor area of a building divided by the area of the lot on which it is located.

Foot Candle: A unit for measuring the amount of illumination on a surface.

Foot Candle, Average (afc): The level of light measured at an average point of illumination between the brightest and darkest areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

Foot Candle, Horizontal (hfc): A unit of illumination produced on a horizontal surface, all points of which are one foot (1')

from a uniform point source of one (1) candle.

Foot Candle, Vertical (vfc): A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

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

Garage: An accessory building, or a portion of the primary building, used for the storage of motor vehicles of the occupants.

Garage, Private: An enclosed space or accessory building for the storage of one or more motor vehicles; provided, that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises. A garage shall be considered part of a dwelling, except as applied to home occupation, if the garage and dwelling have a roof or wall in common, or are connected structurally by a physical connection such as a wall, trellis, or solid fence.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

General Plan: means a document that sets forth general guidelines for proposed future development of the land within the municipality.

Grade: The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five feet (5') from a street line. For buildings closer than five feet (5') to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the city engineer may establish the grade.

Grading: An excavation, cut or fill, or the act of excavating, either cutting or filling.

Grade, Finished: The finished elevation of the surface of the land after the completion of any development activity or other man-made disturbance or grading.

Grade, Natural: The elevation of the surface of the land prior to any development activity or any other man-made disturbance or grading.

Gross Acreage: The total area of a lot or parcel of land, including all rights of ways and easements.

Groundwater: Any water that may be drawn from the ground.

Guarantee: Any form of security including cash, a letter of credit, or an escrow agreement in an amount and form satisfactory to the City.

Hard-Surfaced: Covered with concrete, brick, asphalt, or other impervious surface.

Hazardous Waste: A material as defined by the United States Environmental Protection Agency.

Health Department: The Weber County Health Department.

Hearing Officer: The Mayor of Roy City, or a designee of the Mayor.

Holiday Decorations: Displays of a primarily decorative nature, clearly incidental and customarily and commonly associated with any national, local, or religious holiday.

Home Occupation: A commercial or other non-residential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes.

Identical Plans: means building plans submitted to a municipality that are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality and describe a building that is:

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

Illegal Building/Structure: A building or structure, or portion thereof, established without securing the necessary approvals, permits, or licenses, as required by this Ordinance, or prior enactments.

Illegal Lot: A lot created for a development activity that has not received the necessary approvals, permits, or licenses, as required by this Ordinance, the Roy City Subdivision Ordinance, or prior enactments.

Illegal Use: A use established without securing the necessary approvals, permits, or licenses, as required by this Ordinance, or prior enactments.

Impact Analysis: A determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc., upon the City.

Impervious Material or Surface: Material that is impenetrable by water.

Improvements: Curbs, gutters, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, street lights, public facilities, amenities and other such requirements of this Ordinance.

Incombustible Material: Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit (1,200°F) during an exposure of five (5) minutes, and will not continue to burn or glow at that temperature. Tests shall be made as specified in the building code.

Intensity: The degree of a quantitative or qualitative measurement associated with a use of land or building.

Internal Illumination: Lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material.

Land Use: The manner in which land is occupied or used.

Land Use Application: means an application required by the City's land use ordinance.

Land Use Authority: means a person, board, commission, agency, or other body designated by the City Council to act upon a

land use application.

Land Use Ordinance: means a planning, zoning, development, or subdivision ordinance of Roy City, but does not include the general plan.

Landscaping: Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth.

Lattice Tower: A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

Legal Building/Structure: A building or structure, or portion thereof, complying with the requirements of this Ordinance.

Legal Lot/Legal Lot of Record. Any land parcel that existed, as recorded in the Office of the Weber County Recorder, with a separate property identification number as provided by the Office of the Weber County Recorder and Office of the Weber County Assessor, prior to 16 January 2007, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of Roy City and the laws of the State of Utah after 16 January 2007.

Legal Nonconforming Building/Structure: A building or structure, or portion thereof, lawfully existing at the time of this Ordinance, or prior enactments, which does not now conform to the regulations of the zoning district in which it is located.

Legal Nonconforming Lot: A lot, lawfully existing at the time of this Ordinance, or prior enactments, whose width, area, or other dimension do not conform to the regulations of the zoning district in which it is located.

Legal Nonconforming Use: A use, lawfully existing at the time of this Ordinance, or prior enactments, such use being maintained continuously, and which does not now comply with the use regulations of the zoning district in which it is located.

Legal Use: A use complying with the requirements of this Ordinance.

Legislative Body: means the Roy City Council.

License Officer: The individual or his/her designee who is the head of the business license division.

Licensed Premises: Any room, house, building, structure, or place occupied by any person licensed to sell alcoholic beverages on such premises under this chapter.

Licensee: Includes the person, firm, corporation, or association to whom the license is issued, and also means and includes the licensee's manager, agents, servants and employees, and all other persons acting for him.

Light Source: A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

Liquor: Alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid, or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids containing more than one-half of one percent (0.5%) of alcohol by volume and is suitable to use for beverage purposes. "Liquor" does not include "beer," as defined in this section. (Utah Code Annotated, as amended).

Lot: A parcel of land occupied or to be occupied by a main building or group of buildings (main or accessory), together with such yards, open spaces, lot width and lot area as are required by this title and having frontage upon a street. Except for group dwellings and a guesthouse, not more than one dwelling structure shall occupy any one lot.

Lot Area: The total land area of a lot or parcel.

Lot Coverage: The total horizontal area of a lot or parcel covered by any impervious surface, including buildings, structures, parking, driveways, etc.

Lot Depth: The mean horizontal distance from a front lot line to a rear lot line. **Lot, Interior:** A lot other than a corner lot.

Lot, Irregular: A lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

Lot Line: A line of record bounding a lot or parcel that divides one (1) lot or parcel from another, or from a street.

Lot Line Adjustment: means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

Lot Line, Front: A lot or parcel line separating a lot or parcel from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line. For an interior lot or parcel, the lot line adjoining the street; for a corner lot, the lot or parcel lines adjoining both streets; for a double frontage lot, a lot, or parcel line adjoining one (1) of the streets as elected by the City.

Lot Line, Rear: The lot line generally opposite and most distant from the front lot line.

Lot Line, Side: Any lot or parcel line that is not a front lot line or rear lot line. A side lot line separating one (1) lot or parcel from another is an interior side lot line.

Lot Width: For an interior lot or parcel, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For a corner lot, the distance between one (1) of the front lot lines and the opposite side yard line at the required setback line.

Lot, Corner: A lot abutting on two (2) intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

Lot, Double Frontage: A lot or parcel abutting two parallel or approximately parallel streets.

Lot, Illegal: A separately delineated piece of real property, created for the purposes of a development activity, and which has not received the necessary approvals, as required by the Roy City Subdivision Ordinance, and State laws, and their prior enactments.

Lot, Legal: A separately delineated piece of real property, created for the purposes of a development activity, which: (a) Is shown on a recorded final subdivision plat that has received the necessary approvals, as required by the Roy City Subdivision Ordinance, and State laws, and their prior enactments, or (b) Is defined by some other legal instrument and has a separate property identification number according to the records of the Weber County Recorder, and was legally created, as required by the Roy City Subdivision Ordinance, and State laws, and their prior enactments.

Lot, Nonconforming: A lot or parcel that: (a) Legally existed before its current zoning designation; and (b) Has been shown continuously on the records of the Weber County Recorder as an independent parcel since the time the zoning

regulation governing the lot or parcel changed; and (c) Because of subsequent zoning changes does not conform with the lot size or other dimensional or property development standards applicable in the zoning district in which the lot or parcel is located.

Low Power Radio Services Facility: An unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

Lumen: A measurement of light output or the amount of light emitting from a luminaire.

Luminaire, Cutoff-Type: A luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety (90) degrees.

Luminaire, Shielded, Fully: Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

Luminaire, Shielded, Partially: Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Manufactured Home: A factory built structure which is constructed in compliance with the federal manufactured housing construction and safety standards act of 1974, which became effective June 15, 1976; transportable in one or more sections; built on a permanent chassis; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Map, Official: Any map adopted by the city council under the provisions of Utah Code Annotated, as amended.

Marquee: A permanent roofed structure that bears an advertisement and extends outward over the entrance to a building and supported entirely by the building.

Mixed Use: The location and arrangement of a combination of residential and nonresidential uses on the same lot or parcel or within the same building, and complying with the requirements of this Ordinance.

Mobile Home: A factory built, moveable living unit which does not meet the requirements of the federal manufactured housing construction and safety standards act of 1974, which became effective on June 15, 1976; transportable in one or more sections; eight feet (8') or more in body width and thirty two feet (32') or more in body length; built on a permanent chassis with wheels; designed as a place for human habitation of not more than one family, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Moderate Income Housing: means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

Moderate Income Housing Plan: A written document conforming to the requirements of § 10-9 et seq. Utah Code Annotated, as amended.

Modular Home: A factory built structure which is constructed in compliance with the city's or state's adopted building

codes; transportable in one or more sections; built on permanent chassis; designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. A modular home meeting the requirements of chapter 9 of this title shall be classified as a dwelling.

Monopole: A single cylindrical steel or wood pole that acts as the support structure for antennas.

Monopole With Antennas And Antenna Support Structure Greater Than Two Feet In Width: A self-supporting monopole tower on which antennas or an antenna structure exceeding two feet (2') in width are placed; the antennas and antenna support structure do not exceed fifteen feet (15') in width or eight feet (8') in height.

Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width: A monopole with antennas and antenna support structure not exceeding two feet (2') in width; antennas and antenna support structure do not exceed ten feet (10') in height.

Monument: A permanent survey marker established by the Weber County Surveyor and/or a survey marker set in accordance with the City Engineer's specifications and referenced to Weber County survey monuments.

Motor Home: A self-propelled vehicular unit, other than a mobile home primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camping trailer, a truck camper, a motor home, a fifth wheel trailer and a van.

Municipality: The City of Roy, Utah.

Natural Features: Non man-made land characteristics, including slopes, wetlands, streams, intermittent drainage channels, and native stands of shrubs or trees.

Natural State: Land that has not been subjected to grading, removal of vegetation or any development activity.

Natural Vegetation: Vegetation existing on a lot or parcel prior to any grading, development activity or plantings.

Natural Waterways: Those areas, varying in width, along streams, creeks, gully, springs or gashes which are natural drainage channels as determined by the community and economic development director and in which areas no buildings shall be constructed.

Nominal Fee: means a fee that reasonably reimburses the City only for time spent and expenses incurred in:

- (a) verifying that building plans are identical plans; and
- (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

Noncomplying Structure: means a structure that:

- (a) legally existed before its current land use designation; and
- (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming Use: means a use of land that:

- (a) legally existed before its current land use designation;
- (b) has been maintained continuously since the time the land use ordinance governing the land changed; and

- (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Official Map: means a map drawn by Roy City and recorded in a county recorder's office that:

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

Official Street Map: The map adopted by the Council, which shows the location and alignment of existing and future streets within the City.

Official Zoning Map: The map adopted by the City Council showing the geographic location of zoning districts.

Off-Street: Entirely outside of any City right-of-way, street, access easement, or any private access drives.

Open Space: Land areas that are not occupied by buildings, structures, parking areas, streets, or roads. Open space may be devoted to landscaping, preservation of natural features, and recreational areas and facilities.

Operate or Cause To Be Operated: To cause to function or to put or keep in a state of doing business.

Owner: Any person who alone, jointly or severally with others has legal or equitable title to any property.

Parcel of Land: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

Park: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

Park Strip: The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

Parking Area: An enclosed or unenclosed area, other than a street, and used or designed for parking of vehicles.

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

Parking Space: Space within a building, lot, or parking lot for parking or storage of one automobile.

Permitted Use: A primary use of a lot, parcel, or building allowed in one (1) or more of the zoning districts that may be administratively approved by the Zoning Administrator, subject to compliance with applicable provisions of this Ordinance.

Person: means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

Pervious Material or Surface: Material that is penetrable by water.

Place of Business: Each separate location maintained or operated by the licensee, whether or not under the same name, within the city from which business is engaged.

Plan for Moderate Income Housing means a written document adopted by the Roy City Council that includes:

- (a) an estimate of the existing supply of moderate income housing located within the city;
- (b) an estimate of the need for moderate income housing in the city for the next five years as revised biennially;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the city's program to encourage an adequate supply of moderate income housing.

Planning and Zoning Division: The Planning and Zoning Division of Roy City Development Services Department.

Planning Commission: The Planning Commission of Roy City, Utah.

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

Police Department: The Roy City Police Department.

Primary Building: The principal building located on a lot or parcel designed or used to accommodate the primary use to which the premises are devoted.

Primary Use: The principal purpose for which a lot, parcel, or building is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this Ordinance.

Private Drive: Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

Property: Any lot, parcel, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

Property Line: The boundary line of a lot or parcel.

Public: That which is under the ownership or control of the United States Government, Utah State or any subdivision thereof, Weber County, or the City (or any departments or agencies thereof).

Public Hearing: means a hearing at which members so the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public Improvement: Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

Public Meeting: means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings.

Qualified Professional: A professionally trained person with the requisite academic degree, experience, and professional

certification or license in the field or fields relating to the matter being studied or analyzed.

Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the public.

Reasonable Accommodation: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability, "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice, "Equal Opportunity" means achieving equal results as between a person with a disability and a non-disabled person.

Record of Survey Map: means a map of a survey of land prepared in accordance with Section 17-23-17, U.C.A..

Recreational and Manufactured Home Standard: A standard adopted by the American national standards institute or the national fire protection association for recreational vehicles, and for mobile homes manufactured prior to June 15, 1976. For manufactured homes built after June 16, 1976, "standard" means the standard adopted pursuant to the national manufactured housing construction and safety standards act of 1974 and as amended from time to time.

Recreational Vehicle: A vehicular unit primarily designed as a temporary dwelling for travel, recreational and vacation use, which is either self propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.

Residence: A dwelling unit or other place where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit.

Residential Activity: any building, structure, or portion thereof that is designed for or used for residential purposes and any activity involving the use of occupancy of a lot for residential purposes.

Residential Facility for Elderly Persons: means a single-family or multiple-family dwelling unit that meets the requirements of Part 4, General Plan, U.C.A., but does not include a health care facility as defined by Section 26-21-2, U.C.A.

Residential Facility for Persons with a Disability: means a residence:

- (a) in which more than one person with a disability resides; and
- (b) (i) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
(ii) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Revocation: The loss of the right to continue to operate a business in Roy City; that the license becomes null and void.

Right-of-Way: Any dedicated area provided for conveying vehicle and pedestrian traffic, and other public use.

Roof Line: The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall.

Roof Mounted Antenna: An antenna or series of individual antennas mounted on a flat roof, mechanical room, or penthouse of a building.

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

Setback or Required Yard Area: The shortest distance on a lot or parcel between a building line and a property or designated right-of-way line excluding uncovered patios, decks and balconies not greater than 2 feet in height from grade, and not less than 4 feet from the rear property line and 8 feet from the side property line, and chimney and roof overhangs protruding no greater than 2 feet into the setback area.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment outcall service in the form of seminude dancing or exhibition, adult motion picture theater, adult theater, seminude model studio, or sexual encounter establishment.

Sexually Oriented Entertainment Activity: The sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specific sexual activity.

Sign: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also the structure or framework or a natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Site Development Standards: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

Site Plan: A schematic, scaled drawing of a lot or parcel which indicates, as may be required by this Ordinance, the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

Slope: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

Special District: means an entity established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Specified Public Utility: means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, U.C.A..

Start of Construction: The issuance date of a building permit if construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first excavation on the site or the placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

Story: The space within a building, other than a cellar, included between the surface of any floor and the surface of the ceiling next above.

Story, Half: A story with at least two (2) of its sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

Street: means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

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

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Subdivision: means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. "Subdivision" includes: (i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and (ii) except as provided in Subsection (34)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. "Subdivision" does not include: (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; (ii) a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if: (A) no new lot is created; and (B) the adjustment does not violate applicable land use ordinances; or (iii) a recorded document, executed by the owner of record: (A) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or (B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances. (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this Subsection (34) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

Substantial Action: Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of this Ordinance or to exercise development rights authorized pursuant to such an approval.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- 3) The term does not, however, include either:
 - a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b) Any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

Swimming Pool: Any artificial or semi-artificial container, whether indoors and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances and other facilities used or intended for use in and about the operation, maintenance and use of such pool.

Temporary Building: A building established for a limited period, after the expiration of such time the building will be removed.

Temporary Use: A use allowed for a limited time with the intent to discontinue the use upon expiration of the period authorized by a temporary use permit.

Travel Trailer: A vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a motorized vehicle:

- 1) Designed as a temporary dwelling for travel, recreational and vacation use; and
- 2) When factory equipped for the road, having a body width of not more than eight feet (8') and a body length of not more than forty feet (40').

Unincorporated: means the area outside of the incorporated area of a city or town.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USGS: The United States Geological Survey

Utilities: Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, street lights and other services deemed to be of a public-utility nature by the City.

Utility Easement: The area designated for access to construct or maintain utilities on a lot or parcel.

Variance: A modification granted by the Board of Adjustment to a zoning requirement for height, bulk, area, width, setback, or other numerical or quantitative requirement for a building or structure or other site improvements, with a finding of hardship, as set forth in this Ordinance.

Vehicle: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

Violated Or Violating: There exists reasonable cause to believe that any ordinance, code, statute, or law has been or is being violated and is not limited to pleas of guilty or convictions for violating said ordinances, codes, statutes, or laws.

Wireless Telecommunication Facility: An unmanned structure consisting of antennas, antenna support structures, or other equipment used to provide personal wireless services as set forth in Section 704 of the Telecommunications Act of 1996, as amended.

Yard: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

Yard, Front: An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear: An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the rear lot line and extending the full width of the lot; except, on corner lots, the rear yard shall not include the side yard bordering the street.

Yard, Side: An open, unoccupied space on the same lot as a building, between the rear line of the building (exclusive of steps) and the front line of the building (exclusive of steps) and extending from the side line of the building (exclusive of steps) to the side lot line; except, on corner lots, the side yard bordering the street shall extend to the rear from the front line of the building (exclusive of steps) to the rear lot line, the same distance as is required for side yard setbacks on corner lots in each zone.

Zoning District: An area of the incorporated territory of the City which has been given a designation which regulates the construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land all as set forth in this Ordinance.

Zoning map: means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

Zoning Ordinance: The zoning ordinance of Roy City, Utah, as set forth in this title, and as amended from time to time.