

ORDINANCE 2021-05

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING PROVISIONS OF TITLE 10 OF THE CITY CODE TO AMEND THE DEFINITIONS OF LAND USES WITHIN SOUTH WEBER CITY.

WHEREAS, the South Weber City Council adopted the General Plan in 2020; and

WHEREAS, after adoption of the General Plan, the City determined that it would be necessary and proper to review and amend the definitions for various land uses throughout the City; and

WHEREAS, the City Council is authorized by State statute and municipal ordinances to make such amendments; and

WHEREAS, the South Weber City Planning Commission has made a favorable recommendation to the City Council that the land uses be amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah, as follows:

Section 1. Amendment. The attached Exhibit A, "Land Use Definitions", is hereby adopted and incorporated as Title 10, Chapter 1, Section 10 of the South Weber City Code.

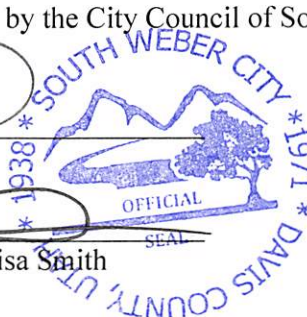
Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance; and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. In accordance with Utah Code Ann. § 10-3-701 et seq. and Title 1, Chapter 2, Section 5 of South Weber City Code, this Ordinance shall take effect immediately upon adoption and recordation.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 25th day of May 2021.

MAYOR: Jo Sjoblom

ATTEST: City Recorder, Lisa Smith



Roll call vote is as follows:

Council Member Winsor	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

EXHIBIT A LAND USE DEFINITIONS

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2021-05 was passed and adopted the 25th day of May 2021 and that complete copies of the ordinance were posted in the following locations within the City this 26th day of May 2021.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive



Lisa Smith, City Recorder

10-1-10: DEFINITIONS:

For the purpose of this title, the following terms and their derivations shall have the meaning as given herein when not consistent with the context. Words in the singular number include the plural and the plural the singular. The word "shall" is always mandatory. Words not included herein but which are defined in the Building Code shall be construed as defined therein. Words which are not included herein or in the Building Code shall be given their usual meaning as found in the English dictionary unless the context of the words clearly indicate a different meaning.

Definitions of words applicable particularly to certain chapters shall be included in those chapters.

ACCESSORY BUILDING: A detached subordinate building, the use of which is clearly incidental and customarily appropriate to and on the same lot as the main building or use of land.

ACCESSORY USE: A use clearly incidental, customarily appropriate and subordinate to and on the same lot as the main use of the building or land.

ACRE: A measurement of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

ACRE, ONE-HALF: A measurement of land area equal to twenty-one thousand seven hundred eighty (21,780) square feet.

AGRICULTURE: A farm industry area used for the commercial production, keeping, or maintenance for sale of plants, or lands devoted to a soil conservation management program. Agriculture uses include the tilling of soil, the raising of crops, horticulture and gardening, and accessory uses. Agriculture uses shall not be construed to permit any commercial activity or the keeping or raising of animals or fowl, except as specifically permitted in the zone requirements.

AGRICULTURAL BUILDING: A structure used in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of § 58-56-4, U.C.A., 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of § 58-56-4(1), U.C.A., 1953, as amended.

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

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

ALTERED: Any change in the construction of or addition to a building which would permit an increase in capacity or change of use.

ANIMAL KEEPING: The keeping of animals and fowl for food production or for pleasure. This does not include the keeping of household pets.

APARTMENT HOUSE: A building designed to be occupied by more than four (4) families.

ASSISTED LIVING FACILITY: An assisted living facility is a housing facility for people with disabilities or for adults who cannot or choose not to live independently, but rather live in a group living environment under the care of State licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

BASEMENT: A story partly underground. A basement shall be counted as a story for height measurement where more than one-half ($\frac{1}{2}$) its height is above the average level of the adjoining ground or where more than three-fourths ($\frac{3}{4}$) of any wall is above the level of the adjoining ground. The average level of adjoining ground shall not be measured against raised planters or soil raised in a berm against the structure.

BASEMENT HOUSE: A one-story dwelling where more than twenty five percent (25%) of the floor area is below the finished surface grade at the front yard level. Basement houses are not permitted under this title.

BEAUTY & BARBER SERVICES: See Personal Care Services.

BOARDING HOUSE AND/OR ROOMING HOUSE: A building used for the purpose of providing meals or lodging, or both meals and lodging for pay or compensation of any kind for three (3) or more persons.

BUILDABLE AREA: That portion of a building lot not included within any required yard or open space which a main building may be located upon.

BUILDING: Any structure having walls and/or a roof supported by columns or walls intended for or used for the shelter or housing or enclosure of any person, animal, chattel or property of any kind.

BUILDING, HEIGHT OF: (A) The vertical distance above the lowest original ground surface at a point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge or highest point of a pitched or hipped roof. (B) Buildings may be stepped to accommodate the slope of the terrain; provided, that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured as provided in subsection (A) of this definition. (C) For the purpose of this definition "original ground surface" means the elevation of the ground surface in its natural state before manmade alterations, including, but not limited to, grading, excavation, or filling, excluding improvements required by land use ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the

elevation of the original grade shall be determined by the Planning Commission using the best information available.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot or a building or one of the principal buildings housing the principal use upon the lot.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America or the State of Utah or any of its subdivisions in connection with public use.

BUSINESS SERVICES AND PROFESSIONAL OFFICES: A use which provides various executive, management, and/or administrative services and support but does not include on premises sales of goods or commodities. Typical uses are legal services, real estate, insurance, advertising and mailing, building maintenance, employment service, management and consulting, protective services, equipment rental and leasing, auction services, commercial research, development and testing, and photo finishing. Medical and dental offices are not included in this definition.

CANNABIS means marijuana.

CANNABIS CULTIVATION FACILITY means a person that: (a) possesses cannabis; (b) grows or intends to grow cannabis; and (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

CANNABIS PROCESSING FACILITY means a person that: (a) acquires or intends to acquire cannabis from a cannabis production establishment; (b) possesses cannabis with the intent to manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

CANNABIS PRODUCT means a product that: (a) is intended for human use; and (b) contains cannabis or tetrahydrocannabinol.

CANNABIS PRODUCTION ESTABLISHMENT means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

CARPORT: A private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage, whether attached or detached, unless specifically provided otherwise.

CHURCHES, SYNAGOGS, TEMPLES/RELIGIOUS INSTITUTION: See definition of Quasi-Public Use.
COMMERCIAL STORAGE: See Self-Service Storage.

COMMUNICATIONS TOWER: A tower which supports or contains communications antennas or related equipment of one of the following types:

Guyed Tower: A tower requiring guy wires or other stabilizers for support.

Lattice Tower: A self-supporting multiple sided steel frame tower.

Monopole Tower: A self-supporting tower consisting of a single pole without guy wires or stabilizers.

CONSTRUCTION: The materials, architecture, assembly, and installation of a building or structure, including landscaping.

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

CONSTRUCTION SERVICES: An establishment which primarily sells services constituting the construction, remodeling or maintenance of buildings or grounds; or sells wholesale goods to companies engaged in providing these services. This definition includes general, electrical, plumbing, heating or air conditioning, roofing, landscaping, pest control, etc. This use also includes lumberyards.

CONTRACTOR'S OFFICE/STORAGE YARD: A facility providing building construction and maintenance services including carpentry, plumbing, roofing, electrical, air conditioning and heating, with a base of operations and which may include the indoor and outdoor storage of building materials, equipment, or vehicles used by the construction business.

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

DAIRY: A farming operation for the production of milk in commercial quantity and which is regularly inspected by the State Department of Agriculture or its cooperating agencies.

DAY CARE, COMMERCIAL: A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following: (1) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (2) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; (3) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; or (4) Clearly identified as an Accessory Use.

DAY CARE, HOME: The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than ten (10) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6). If there are eight or more children, there must be two or more providers present.

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 other Land Use Ordinances.

DEVELOPMENT ACTIVITY: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or 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 public facilities or services; (e) The act of subdividing; or (f) The act, process or result of developing. This definition excludes the routine landscaping of a single residence, building, or business.

DEVELOPMENT AGREEMENT: A contract between an Applicant or owner and the City pursuant to the provisions of City Code or Ordinance.

DEVELOPMENT SITE: The perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

DOG KENNELS: See Kennel.

DRIVE-THROUGH FACILITY: A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

DRYCLEANING SERVICES: See Laundry.

DWELLING, ACCESSORY UNIT: An attached dwelling unit to a single-family home, or located above a detached garage serving a single-family home, which is located on the same lot as the single-family home designed to be clearly subordinate to the principle dwelling. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance than the principal dwelling.

DWELLING, ACCESSORY UNIT FOR OWNER OR EMPLOYEE: An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.

DWELLING, CONDOMINIUM: An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building containing one (1) dwelling unit.

DWELLING, TWIN HOME: Two (2) single-family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.

DWELLING, TWO-FAMILY: A building on a single lot containing two (2) attached dwelling units. Sometimes referred to as duplex.

DWELLING UNIT: A building, occupied by no more than one (1) family, designed and used for residential purposes, containing one (1) or more rooms, one (1) or more kitchens, one (1) or more bathrooms, and including one (1) or more areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code. A dwelling unit does not include transient lodging.

DWELLING UNIT, MANUFACTURED: A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, in the traveling mode, is eight (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 Building Code, as adopted by the South Weber 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 Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the 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 Davis County.

ELDERLY PERSON: A person who is sixty (60) years of age or older, who desires or needs to live with other elderly persons in a group setting, but is capable of living independently.

ELECTRONIC COMMUNICATIONS FACILITIES AND EQUIPMENT: As used in this title, refers only to low power radio transmission and not to other forms of telecommunication technologies and generally consists of an antenna for transmitting or receiving electromagnetic radiation as authorized by the Federal Communications Commission, and a communication tower which supports or contains the antenna(s) and related communications equipment.

EXCAVATION OR EXTRACTION: The moving or removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons who are not so related living together as a single nonprofit housekeeping unit doing their own cooking and domestic service for such a family or group. 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.

FAMILY FOOD PRODUCTION OR FARM ANIMALS: The keeping of domestic animals and fowl to produce food for the sole use of the family occupying the premises.

FARM OPERATIONS: Operations carried out to support agricultural or farming activities on a tract or parcel of land.

FARMING: A farm industry which includes generally all phases of farm operation: the keeping and raising of animals and/or fowl for domestic or commercial use, fur farms, livestock feed yards, pig farms, dairy farms and similar uses, and accessory uses thereto. Farming shall not include a Concentrated Animal Feeding Operation or "feed lot," as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

FARM INDUSTRY: Includes generally all phases of farming, the keeping and raising of animals and/or fowl for domestic or commercial use on parcels of five (5) acres or larger, together with accessory uses thereto. Farm Industry does not include commercial animal slaughter feed lots or pig farms.

FARM STAND: A farmer's market limited to the sale of produce and related food items grown on site.

FARMER'S MARKET: An area used for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles used by the occupants of the dwelling unit to which it is accessory. On a property occupied by a multiple dwelling containing more than four (4) dwelling units, the capacity of such private garage shall not provide more than two (2) garage stalls and one parking stall, or three (3) stalls per unit. A private garage having any part of one or more walls of the garage common to the dwelling shall be considered a part of the dwelling, i.e., an attached garage. Any attached garage shall be subject to the same front and side yard regulations as applied to the dwelling which it is accessory to.

GARAGE, PUBLIC: A building or portion thereof other than a private garage, designed or used for storing driven vehicles.

GASOLINE SERVICE STATIONS: See Service Station.

GOLF COURSE: An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.

GRADE, FINISHED SURFACE: The average level of the finished surface of the ground adjacent to the front setback line of a building or structure. On a corner or multi-frontage lot, the average level of the ground adjacent to and measured along all frontage setback lines of the building.

GREENHOUSE: See Nursery.

GROUP HOME: A building or portion thereof that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) individuals living at a given point in time; not a place of temporary sojourn or transient visit.

GROUP HOME, RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following: A facility which is operated as a business, provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility; A facility where persons being treated for alcoholism or drug abuse are placed; A facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; A facility which is a healthcare facility as defined in Utah Code Annotated section 26-21-2, as amended; or A facility which is a residential facility for persons with a disability.

GROUP HOME, RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is: Licensed or certified by the Department of Human Services under title 62A, chapter 2, of the Utah Code, licensure of programs and facilities; or Licensed or certified by the Department of Human Health under Utah Code Annotated title 26, chapter 21, Health Care Facilities Licensing and Inspection Act.

GUN RANGE, INDOOR: An enclosed, indoor facility designed and used for rifle shooting, pistol shooting, trapshooting, skeet shooting, or other target shooting and related training or practice for the purpose of sharpshooting or improving in the use of firearms.

HOME OCCUPATION: An occupation conducted entirely, or in part, within the dwelling and which is clearly incidental and secondary to the use of the property for dwelling purposes. Regulations applying to home occupations shall not apply to any portion of an occupation not conducted upon the residential property. Home occupations shall not be interpreted to include kennels, commercial stables, restaurants or other uses which are foreign in character to a residential use.

HOTEL: A building and associated facilities offering overnight accommodations for guests, with access provided through a common entrance, lobby, or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.

HOUSEHOLD PET: Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs, cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

INDIVIDUALS WITH DISABILITIES: A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in and contribute to, a residential neighborhood.

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

KENNEL, COMMERCIAL: A facility providing for the indoor and/or outdoor commercial boarding, breeding, buying, grooming, or training for fee or sale of household pets not owned by the owner or occupant of the premises.

KENNEL, SPORTSMAN'S OR HOBBY: A use, accessory to a single-family dwelling unit in which three (3) but not more than five (5) dogs, cats or ferrets, at least four (4) months old, owned by the owner or occupant of the premises, are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing, and which use has a valid permit from the City.

LAUNDRY: An establishment providing home-type washing, drying, and/or ironing machines, household laundry and dry-cleaning services

LOT: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot widths and lot areas as are required by this title in having frontage upon a street, except for group dwellings, where more than one dwelling is placed on a lot, each dwelling structure shall be provided with a minimum lot area as required for one such dwelling on a lot in the same zone.

LOT CENTER LINE FOR CORNER: An imaginary straight line lying midway between and in the main direction of the longest interior lot line and the boundary line lying midway between and in the main direction of the longest interior lot line and the boundary line lying opposite thereto, when it is apparent that such center line would intersect to front lot lines, all interior boundary lines shall be deemed to be side lot lines and said lot shall not also be classified as a multi-frontage lot. See section 10-1-11, appendix A of this chapter.

LOT, CORNER: A building lot abutting on two (2) intersecting or intercepting streets where the interior angle of interception or intersection does not exceed one hundred thirty five degrees (135°). See section 10-1-11, appendix A of this chapter.

LOT DEPTH FOR INSIDE LOTS: The mean horizontal distance between the front lot line and the rear lot line. See section 10-1-11, appendix A of this chapter.

LOT DEPTH FOR MULTIFRONTAGE AND CORNER LOTS: The horizontal distance between opposite boundaries of the lot measured along the center line thereof. See section 10-1-11, appendix A of this chapter.

LOT, INSIDE GORE SHAPED: Any inside lot, the interior lines of which converge towards the rear thereof. For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore shaped inside lot, in which case the interior lines of the same shall be designated as side lot lines, and the rear lot lines shall be determined the same as required for inside lots. See section 10-1-11, appendix A of this chapter.

LOT LINE FRONT: A lot line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way. In the case of a corner lot or a multi-frontage lot, the lot line shall be the designated by the City Planner when the building permit is issued.

LOT LINE INTERIOR: Any boundary of a lot which is not coterminous with a public street.

LOT LINE REAR FOR INSIDE LOTS: The interior line lying opposite the front lot line where such lot is also a gore-shaped lot and the side lot lines thereof converge either to a point or to a rear boundary which is less than one-half ($\frac{1}{2}$) of the minimum required lot width. The rear lot line shall be construed to be an imaginary straight line across the center line of the lot at right angles, which is one-half ($\frac{1}{2}$) of the required lot width in length. See section 10-1-11, appendix A of this chapter.

LOT LINE REAR FOR MULTI-FRONTAGE AND CORNER LOTS: On multi-frontage lots, the exterior lot line so designated; corner lots, that interior lot line which has been designated as a rear lot line by the lot owner or authorized person applying for the building permit.

LOT LINE SIDE FOR INSIDE LOTS: Those interior lines lying opposite of each other running between the front and the rear lot lines or in the case of multi-frontage lots, those interior lines which run between the two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

LOT LINE SIDE FOR MULTIPLE FRONTAGE IN CORNER LOTS: For multiple frontage lots, all interior lot lines; for corner lots, that interior lot line which has been designated as the side lot line by the lot owner.

LOT, MULTI-FRONTAGE: Any building lot, the center line of which intersects two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

LOT WIDTHS FOR CORNER LOTS: The horizontal distance between opposite lot boundary lines measured at right angles to the center line of the lot on the main point of such center line. See section 10-1-11, appendix A of this chapter.

LOT WIDTHS FOR INSIDE LOTS: A. Rectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point thirty feet (30') back from the front lot line, intersecting both side lot lines.

B. Nonrectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point sixty feet (60') back from the front lot line, intersecting both side lot lines.

MAJOR INTERSECTION: An intersection of a minor arterial street and a major collector street or the intersection of two (2) major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

MANUFACTURING, HEAVY: The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that are not offensive or create any odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts to adjacent property, nor create any health and safety hazards by way of materials, process, product or waste, and where all assembly, storage, fabrication or processing is conducted within a building or structure and where all, equipment, compressors, generators and other ancillary equipment is located within a building or structure.

MEDICAL, DENTAL & RELATED HEALTH SERVICES: A facility or group of offices for one or more physicians, chiropractors, physical therapists, dentists or other related health service for the examination and treatment of ill and afflicted outpatients provided that the patients are not kept overnight except under emergency circumstances.

MEDICAL LABORATORY: An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

MOBILE BUSINESS: A business that sells goods or serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, is readily movable, without disassembling, for transport to another location.

MOTEL: A group of attached or detached buildings containing individual sleeping rooms or dwelling units or a combination of both designed for or used for the temporary occupancy of automobile tourists or transients with parking space or garage attached or located convenient to each unit. Includes also auto-courts, tourist parks and motor lodges.

NATURAL WATERWAYS: These areas of varying widths along streams, creeks, springs, gullies or washes which are natural drainage channels, as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING LOT: A parcel of land of record with frontage on a public street that was held in separate ownership from adjacent property on the effective date of the ordinance codified herein, the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Adjacent properties in the same ownership at the time of the adoption of the ordinance codified herein, but described separately, shall be considered one lot for the purpose of the ordinance codified herein.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portions thereof lastly existing at the time the ordinance codified herein became effective which does not conform to all height, area and setback regulations prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lastly occupied a building or land at the time the ordinance codified herein became effective and which does not conform with the use regulations of the zone in which it is located.

NURSERY, GARDEN CENTER: A use including a building, part of a building or open space for the growth, display and/or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting.

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

PARKING SPACE: The space within a building lot or parking lot for the temporary parking or storage of one automobile.

PERSONAL CARE SERVICE: A use primarily engaged in providing services generally involving the care of a person or the person's appearance such as beauty and barber services, tanning, nails, massage therapy, aesthetician, permanent cosmetics, or day spa, but excluding a body art/tattoo or sexually oriented business.

PET: See Household Pet.

PLANNED DWELLING GROUP: A group of two (2) detached residential buildings, under single ownership, located on one building lot, arranged in a harmonious and spacious configuration.

PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, nonresidential, commercial, or a combination of such uses.

PLOT PLAN: A plat of the lot drawn to scale showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.

PUBLIC USE: A use or facility owned or operated exclusively by a public entity, having the purpose of serving the public health, safety, or general welfare. Typical uses include a street, public school, park, playground, recreational facility, library, community building, fire stations, police station, and administrative and service facilities.

PUBLIC UTILITY: A structure or facility used by a public agency to store, distribute or chemically treat water, power, natural gas, or sewer.

QUASI-PUBLIC USE: A use or facility owned or operated exclusively by a private nonprofit religious, recreational, charitable or philanthropic institution. Such use shall have the purpose of serving the general public, and would include such uses as a church, hospital, civic or social club, museum, etc.

RECREATION CENTER: A use providing a variety of recreation activities including activities that are enclosed within a structure along with outdoor recreational activities on the same premises, including but not limited to aerobics, weight training, running track, live theater, baseball batting cages, riding arena, tennis facility, miniature golf, swimming pool, or similar activities that are operated for the use of persons who do not reside on the same lots as that on which the recreation use is located. This use may include associated eating and drinking areas, retail sales areas, and staff offices. This use specifically excludes a firearm shooting range, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

RECREATIONAL VEHICLE: A self-propelled or permanently towable, mobile living unit typically used for temporary human occupancy away from the user's permanent place of residence. Recreational vehicles also include such vehicles as a travel trailer, camper, boat/watercraft, tiny home, and other similar types of vehicles. For the purpose of this title, this definition does not include motorcycles, off road or other similar vehicles.

RECREATIONAL VEHICLE SALES AND RENTAL: A business that sells, leases, and/or rents new and/or used recreational vehicles.

RECREATIONAL VEHICLE PARK: Any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters or recreational amenities for two or more recreational vehicles. Such a park may be developed or owned by a private, public, or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests.

RECREATIONAL VEHICLE PARK OCCUPANCY: The length of stay at a recreational vehicle park shall be no greater than thirty (30) consecutive days provided that:

A. The recreational vehicle:

1. Is not permanently connected to utilities.
2. Maintains wheels attached to the unit.
3. Shall not have any permanent additions attached.
4. Has left the park for at least seven (7) consecutive days before returning.

RECYCLING COLLECTION CENTER: A use, often accessory in nature, providing designated containers for the collection, sorting, and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than three (3) collection containers up to forty (40) cubic yards in total size.

RECYCLING PROCESSING FACILITY: A facility where recyclable and organic materials are collected, stored, and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Recycling Facility does not include Salvage Yard.

REPAIR SERVICES: See Vehicle and Equipment Repair.

RESIDENTIAL FACILITY: See Group Home.

RETAIL SALES & SERVICES: Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.

RETAIL SALES AND SERVICES (COMMUNITY COMMERCIAL): Establishments engaged in the retail sale of goods and services. Community Commercial Retail Sales and Service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area. Community Commercial Retail Sales and Services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or product in open, unenclosed areas, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

RETAIL SALES AND SERVICES (REGIONAL): A commercial retail business that occupies more than 80,000 square feet of floor space, is a car or motor vehicle dealer, is a retail shopping facility (shopping center) that has at least one (1) anchor tenants if the total floor area of all tenants is more than 150,000 square feet, or is a grocery store of more than 30,000 square feet.

RESTAURANT: A place of business where food is prepared and served to the public for consumption on or off the premises.

ROAD, PRIVATE: A thoroughfare held in private ownership and controlled, serviced and maintained by one or more private persons, firms or corporations and used or held for use primarily as a means of access to adjoining property.

SELF-SERVICE STORAGE: An enclosed commercial storage facility providing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

SERVICE ACCESSORY USE: A use of land zoned residential for a business purpose that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, such that the

accessory uses of the land are in a location, of a size and screened to create minimal adverse impact on current and future land uses of adjoining property. The storage of any motorized equipment shall be in operable order. At no time will junked or inoperable equipment or vehicles be allowed.

SERVICE STATION: An area where fuel (gasoline or diesel) or electricity is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered a service station. This use shall not include activity meeting the definition of a "truck stop."

SETBACK: The shortest horizontal distance between the boundary line of the lot and the building or structure or part thereof.

SEXUAL-ORIENTED BUSINESS: A business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

SHORT-TERM RENTAL: A transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.

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

STABLE, PUBLIC: A stable other than a private stable.

STORY: The portion of a building other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ($\frac{2}{3}$) of the floor directly below it.

STREET, PUBLIC: An open way, space and/or thoroughfare, fifty feet (50') or more in width, provided or dedicated and/or accepted by South Weber City or the State of Utah, for public use for the purpose of providing all of the following:

- A. A thoroughfare for public use, designated primarily for vehicular traffic.
- B. The principal means of access to abutting properties.

C. For the installation of public utilities, service lines and/or pipes.

D. Drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally, and the roadway of which has been stabilized and maintained by the said proper public authority or has been otherwise improved according to the accepted street construction standards of the City. Also, any street which has been dedicated as a part of the filing of a subdivision plat or as otherwise provided by law, and the required improvements of which have been assured as required. Any street or highway, the access rights of which are owned or controlled by a public authority shall not be construed to be a public street, except for access for the purpose of this title.

E. Where a public thoroughfare existed prior to the adoption of the ordinance codified herein which fulfills all the requirements for a public street, except for the required width, said thoroughfare may be classified as a public street for the purposes of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to complete the required width for a public street, as determined by the Planning Commission and the City Engineer is dedicated to public use.

STRUCTURAL ALTERATIONS: See definition of alteration, structural, as defined in this section.

STRUCTURE: That which is framed, erected, constructed or placed upon the ground, but not including fences which are six feet (6') or less in height.

TEMPORARY BUILDING INCIDENTAL TO CONSTRUCTION: A structure which is intended for temporary or short term use and incidental to construction.

TEMPORARY USE: A use or event established for a maximum period of ninety (90) days, such use or event being discontinued after the expiration of ninety (90) days.

TINY HOME: See recreational vehicle.

TRANSIENT LODGING: A building, facility, or portion thereof, excluding inpatient medical care facilities and group homes in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly or seasonal charge. A transient lodging facility includes any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less. Transient lodging includes but is not limited to a boarding house, short-term rental, dormitory, motor lodge, tourist court, or similar building or group of buildings.

TRUCK STOP: A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales, repair

services, laundry services, and showers. It may also include activities associated with a service station.

VACATION RENTAL: See short-term rental.

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

VEHICLE AND EQUIPMENT REPAIR (MAJOR): An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.

VEHICLE AND EQUIPMENT REPAIR (MINOR): An establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings, but not including paint and body shops or other activities associated with Vehicle and Equipment Repair (Major). Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, frontend alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) may include the retail sale of fuels, lubricants and other supplies for motor vehicles.

Vehicle and Equipment Sale and Rental: A facility providing for the sale, lease, or rental of new or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

WAREHOUSING: A building or structure used to maintain an inventory of materials, supplies, or goods related to one or more businesses.

WHOLESALE TRADE OR DISTRIBUTION: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of such materials, supplies and goods from its inventory to retail companies within the industry and which may include the parking and storage of distribution vehicles and accessory activities.

WIND ENERGY SYSTEM: a system of components which converts the kinetic energy of the wind into electricity or mechanical power, and which includes but is not limited to equipment for energy storage, power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for individual, residential, agricultural, commercial, industrial, utility, or governmental use.

WIND ENERGY SYSTEMS, LARGE: Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of more than one hundred (100) kW.

WIND ENERGY SYSTEMS, SMALL: Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of one hundred (100) kW or less.

WIRELESS TELECOMMUNICATION FACILITY: A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance.

Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

YARD: A space or lot other than a court, unoccupied and unobstructed from the ground upward.

YARD, FRONT: Any yard between the front lot line and the front setback line of the main building and extending for the full width of the lot; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.

YARD, REAR: A yard between the rear lot line and the rear setback line of a main building extending across a full width of the inside lot; and for corner lots, a yard between the rear lot line and the rear setback line of the building, extending between the side lot line and the front frontage line opposite thereto.

YARD, SIDE: Any yard between the side lot line and the side setback line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter. (Ord. 18-07, 9-25-2018)