

**Section 2801—Purpose and Conflicts:**

This Chapter provides definitions of general terms used throughout this Ordinance for which a definition is considered necessary. The word “herein” means “in this Ordinance”; 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”. 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.

**Section 2802—Definitions of General Purpose:**

Words not defined herein shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.

**Abandon/Abandoned:** Means a use that has been discontinued for a minimum period of one (1) year or a building, structure, sign, or other object that remains vacant or unused for a minimum period of one (1) year.

**Abandonment:** Any act that results in abandon.

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

**Accessory Building:** A building, including garages, incidental to and clearly subordinate to the primary building. *(Amended by Ordinance 2010-3 adopted November 16, 2010)*

**Accessory Building (Small):** An accessory building or structure located on the same lot as a single family dwelling with a maximum height of eight (8) feet and a maximum size of less than one hundred twenty (120) square feet.

**Accessory Use:** A use that is customarily incidental and subordinate to the primary use located on the same lot.

**Act:** Means the “Municipal Land Use, Development, and Management Act,” as provided by Chapter 10-9a, Utah Code Annotated, 1953, as amended.

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

**Adjacent Property/Adjacent Landowners:** A lot or parcel of property, or the owner of record of such, according to the records of the Sevier County Recorder that has a common boundary line with a lot or parcel of property that is the subject of some action before the City.

**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:

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
2. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
3. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under the Act.

**Agent:** The person with written authorization to represent a property owner.

**Airport Approach Area:** The specified area at each end of the airport landing area required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of the airport.

**Airport Approach, Transitional, Horizontal, and Conical Zones:** The zones applying to the area under the approach, transitional, horizontal, conical surfaces.

**Airport Elevation:** The elevation in feet above mean sea level of the highest point of the landing area of the airport.

**Airport Hazard:** Any structure, vegetation, tree, or use of land which obstructs or restricts the air space required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of an airport, or is otherwise hazardous to such landing, taking off, or maneuvering of aircraft.

**Airport Instrument Landing Area:** A landing area equipped with precision electronic air navigation aids adequate to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

**Airport Landing Area:** The runway or the specially prepared surface within the boundaries of an airport designed for aircraft landing and taking off operations.

**Airport Noninstrument Landing Area:** Any landing areas other than an instrument landing area.

**Airport Noninstrument Runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in noninstrument approach has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

**Airport Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan, any other FAA planning document, or military service's military airport planning document.

**Airport Primary Surface:** A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Airport Reference Point:** The point established as the approximate geographic center of the airport landing areas and so designated.

**Airport Runway:** The paved surface of an airport landing area.

**Airport Transition Area:** An area extending outward from the outside edge of the airport turning area.

**Airport Turning Area:** The area within a specified horizontal distance of the airport reference point necessary for the safe flight and maneuvering of aircraft.

**Airport Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration (FAA) approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

**Alcoholic Beverages:** Means and includes beer and liquor as defined in the State of Utah Alcoholic Beverage Control Act, as amended.

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

**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(s) presenting a Land Use Application for any approval, permit, or license required by a Land Use Ordinance.

**Application/Land Use Application:** A written request for an approval and completed in a manner prescribed by this Ordinance for review and decision by a Land Use Authority.

**Application, Complete:** An application that includes all information requested on the appropriate form, and payment of all applicable fees.

**Application, Incomplete:** An application that lacks information requested on the appropriate form, or lacks 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.

**Awning:** A roofed structure placed to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building or other supports.

**Base District:** A zoning district that establishes regulations governing land use and site development in a specific geographic area.

**Basement:** A story partly underground and having at least one-half (1/2) its height below the average level of the adjoining ground.

**Bay Window:** A window or series of windows forming a recess or bay from a room and projecting outward from the wall.

**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.

**Berm:** A mound of earth used as a site feature, or to shield, screen, and buffer uses, 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:** 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.

**Board of Adjustment:** The Board of Adjustment of Richfield City, Utah.

**Bodying Piercing:** Body piercing is expressly limited to the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. Authorized piercings shall be limited to the piercing of a lip, tongue, nose, eyebrow, and navel. *(Amended by Ordinance 2009-4 adopted February 10, 2009)*

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

**Building:** Any structure, whether permanent or temporary, which is designed, intended, or used for occupancy by any person, business, animals, possessions, or for storage of property or materials of any kind.

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

**Building Facade:** That portion of an exterior elevation of a building extending from the finished 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 natural or finished grade, whichever is lower, to the highest point of the building or structure.

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

**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 Official:** The person charged with the administration and enforcement of the Building Code of Richfield City, or designee.

**Building Permit:** A permit authorizing a construction activity.

**Business:** Includes all trades, occupations, professions, or activities carried on within the City for the purpose of gain or economic profit.

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

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

**Charter School:** Includes:

1. An operating charter school;
2. A charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
3. An entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

**Chief Executive Officer:**

(a) The Mayor in municipalities operating under all forms of municipal government except the Council-Manager form; or

(b) The City Manager in municipalities operating under the Council-Manager form of municipal government.

For the purposes of this Ordinance, the Richfield City Mayor is identified as the Richfield City Chief Executive Officer.

**City Attorney:** An attorney admitted to practice law in the State of Utah and so appointed by the City.

**City Engineer:** A registered Civil Engineer so appointed by the City.

**City Recorder:** The person so appointed by the City, or the City Recorder's designee.

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

**Cluster Development:** A design that locates buildings in specific areas of 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 Richfield City Municipal Code, as adopted.

**Commission:** The Planning Commission of Richfield City.

**Common Area:** Facilities and yards under common ownership.

**Common Ownership:** Ownership of the same property by different persons.

**Conditional Use:** 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. For the purposes of this Ordinance shall include C-1 and C-2 Uses.

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

1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
2. 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, 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.

**Corral:** A space, yard, or other unenclosed area, other than a building, used for the confinement of animals.

**Council:** The duly elected City Council of Richfield City, Utah.

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

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

**Culinary Water Authority:** 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 of the ground, or the depth or the volume of such material removal.

**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 State of 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 for the enjoyment of the public and owned by a public agency.

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

**Density:** The intensity or number of nonresidential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre.

**Density, Base:** The number of dwelling units per acre allowed by a zoning district.

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

**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.

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

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

**Development Standards:** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space and any other special regulations deemed necessary to accomplish the purpose of this Ordinance or other Land Use Ordinances.

**Disability:** A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such 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, and complying with all provisions of the Building Code. The definition of a dwelling unit shall also include:

**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 Richfield 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 Sevier County.

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

**Elderly Person:** 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.

**EPA:** The United States Environmental Protection Agency.

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

**Exaction:** A requirement or condition imposed on a Land Use Application if:

- (1) an essential link exists between a legitimate governmental interest and each exaction; and
- (2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

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

**External Illumination:** Lighting that illuminates a building or structure, parking area, or other outside area from a location outside of the building or structure.

**Family:** A person living alone, or any of the following groups living together as a single 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 (2) 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 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, 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 more than eight (8) inches above the natural or finished grade.

**Fill:** The process of raising the natural grade of the ground, or the depth or the volume of such material.

**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 waters; including streams, creeks and rivers 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 United States Federal Emergency Management Agency has delineated areas of flood hazard.

**Flood Insurance Study:** The official report provided by the United States Federal Emergency Management Agency that include flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**Flood Plain, 100 Year:** An area where a peak flow magnitude has about a 1 percent (1%) chance of being equaled, or exceeded in any year. The area 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 one hundred (100) years.

**Floor Area, (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 Area, (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):** The sum of the gross floor area of all floors of a building and its accessory buildings located on the same lot. All dimensions shall be measured from the exterior faces of the exterior walls.

**Floor Area Ratio:** The total gross 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.

**Frontage:** All the property fronting on one (1) side of the street between intersecting or intercepting streets, measured along the street line.

**Garage:** An accessory building used for the storage of motor vehicles.

**General Plan:** The Richfield City General Plan, as adopted, such document setting forth general guidelines for proposed future development of the land, and other matters, within the Richfield City.

**Geologic Hazard:** A hazard inherent in the crust of the earth, or artificially created, which is dangerous, or potentially dangerous to life, property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faulting, landslides, and rock falls.

**Grade, Finished:** The finished elevation of the surface of the land after the completion of any development activity or other excavation.

**Grade, Natural:** The elevation of the surface of the land prior to any development activity or excavation.

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

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

**Groundwater Discharge Area:** An area where the direction of groundwater movement is upward from the principal aquifer to the shallow unconfined aquifer.

**Grubbing:** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical, or other means.

**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 material.

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

**Health Department:** The Sevier County Health Department.

**Holiday Decorations:** Displays of a primarily decorative nature 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 to the primary use of the dwelling unit.

**Identical Plans:** Building plans submitted to Richfield City that are substantially identical to building plans that were previously submitted to and reviewed and approved by the Richfield City Building Official and describe a building that is:

1. Located on land zoned the same as the land on which the building described in the previously approved plans is located; and
2. 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, the adopted Building Code, or their prior enactments.

**Illegal Lot:** A lot created that has not received the necessary approvals, permits, or licenses, as required by the City's Land Use Ordinances.

**Illegal Use:** A use established without receiving the necessary approvals, permits, or licenses, as required by the City's Land Use Ordinances.

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

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

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

**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 located within a building structure, or other object including a sign, or portions or letters of a sign.

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

**Land Use Application:** An application required by Richfield City's Land Use Ordinances, and required to initiate the review procedures for any required approval.

**Land Use Approval:** Any authorization received from a Land Use Authority that permits the commencement of a development activity.

**Land Use Authority:** A person, board, commission, agency, or other body designated by the Council to act on a Land Use Application.

**Land Use Ordinance:** A planning, zoning, development, or subdivision ordinance of Richfield City, including this Ordinance, but does not include the Richfield City General Plan, or any element thereof.

**Land Use Permit:** A permit issued by a Land Use Authority.

**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 when authorized by a Land Use Authority.

**Legal Building/Structure:** A building or structure, or portion thereof, established after receiving the necessary approvals, permits, or licenses, as required by the

Land Use Ordinances and complying with the requirements of the Land Use Ordinances and Building Code.

**Lot, Legal:** A lot that has received the necessary approvals, permits, or licenses, as required by the City's Land Use Ordinances, or their prior enactments.

**Legal Lot of Record.** Any lot, parcel or tract of land that existed, as recorded in the Office of the Sevier County Recorder, with a separate property identification number as provided by the Office of the Sevier County Recorder and Office of the Sevier County Assessor, prior to the date of the adoption of the first Richfield City Subdivision Ordinance, and all lots, parcels, and tracts of land that were legally created pursuant to the subdivision requirements of the City's Land Use Ordinances and the laws of the State of Utah after the date of the adoption of the first Richfield City Subdivision Ordinance.

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

**Legislative Body:** The duly elected City Council of Richfield City, Utah.

**Light Source:** A point of lumination that emits a measurable radiant energy in or near the visible spectrum.

**Limits of Disturbance:** The area of a lot, parcel, or tract of land in which all development activity or construction must be contained including all impervious surfaces, buildings, structures, parking areas, driveways, etc.

**Lot:** A parcel of land occupied or proposed to be occupied by a building or structure, together with such yards, open spaces, lot width and lot area as are required by this Ordinance.

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

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

**Lot Depth:** The horizontal distance from a front lot line to a rear lot line.

**Lot, Interior:** A lot, parcel, or tract of land, 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 bounding a lot, parcel, or tract of land that divides one (1) lot, parcel, or tract from another, or from a street. See also Property Line.

**Lot Line Adjustment:** 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 line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way line.

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

**Lot Line, Side:** Any lot line that is not a front lot line or rear lot line. A side lot line separating one (1) lot from another is an interior side lot 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 abutting two (2) parallel or approximately parallel streets.

**Lot, Illegal:** A lot that has not received the necessary approvals, permits, or licenses, as required by the City's Land Use Ordinances and state laws, or their prior enactments.

**Lot, Noncomplying (Legal):** A lot, parcel or tract of land that: (a) Legally existed before its current zoning designation; and (b) Has been shown as a separate lot, parcel, or tract continuously on the records of the Sevier County Recorder as an independent parcel since the time the zoning requirements governing the lot, parcel or tract changed; and (c) Because of subsequent zoning changes does not now conform with the requirements of the zoning district in which the lot, parcel or tract is located.

**Lot, Noncomplying (Illegal):** A lot, parcel or tract of land that: (a) Was created without receiving the necessary approvals, permits, or licenses, as required by the City's Land Use Ordinances and state laws, and their prior enactments, and (b) Does not conform with the requirements of the zoning district in which the lot, parcel or tract is located.

**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.

**LUDMA:** The “Municipal Land Use, Development, and Management Act,” as provided by Chapter 10-9a, Utah Code Annotated, 1953, as amended.

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

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

**Luminaire, Cutoff-Type:** A luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light.

**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.

**Mayor:** The duly elected Mayor of Richfield City, Utah.

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

**Moderate Income Housing:** Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Sevier County.

**Moderate Income Housing Plan:** A written document conforming to the requirements of LUDMA.

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

**Motor Home:** A unit primarily designed as a temporary dwelling for 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 caravan.

**Municipality:** Richfield City, Utah, or other incorporated area.

**Natural Features:** Non man-made land characteristics, including but not limited to slopes, wetlands, streams, rock outcropping, intermittent drainage channels, and vegetation.

**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 man-made plantings.

**Natural Waterways:** Those areas, varying in width, along the course of a permanent or intermittent river, stream, creek, or gully.

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

1. Verifying that building plans are identical plans; and
2. Reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

**Noncombustible 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.

**Noncomplying Structure:** A structure that:

1. Legally existed before its current land use designation; and
2. 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:** A use of land that:

1. Legally existed before its current land use designation;
2. Has been maintained continuously since the time the land use ordinance governing the land changed; and
3. Because of one or more subsequent Land Use Ordinance changes, does not conform to the regulations that now govern the use of the land.

**Nonresidential Uses:** The uses identified in the Tables of Uses – Nonresidential Zoning Districts.

**Nonresidential Zoning District/Nonresidential Zones:** The Commercial Districts and Industrial Districts.

**Official Map:** A map adopted by the Council and recorded in the Sevier County Recorder’s Office that:

- 1. Shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- 2. 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
- 3. Has been adopted as an element of the Richfield City General Plan.

**Official Zoning Map/Zoning Districts Map:** The map adopted by the 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.

**Overlay District:** A zoning district, with its accompanying requirements, that is applied to an area that may place additional development standards on a zoning district. Development in an overlay district must conform to the base district as well as the overlay zoning requirements.

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

**Parcel of Land:** An area of land, with a separate property identification number, as provided by the Office of the Sevier County Recorder.

**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 the edge of asphalt or curb and the sidewalk, trail, or property line.

**Parking Area/Parking Lot:** An enclosed or unenclosed area, other than a street, and used or designed for the parking of four (4) or more vehicles.

**Parking Space:** An enclosed or unenclosed area used for parking or storage of one (1) automobile.

**Permitted Use:** For the purposes of this Ordinance shall include P-1 and P-2 Uses.

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

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

**Plan for Moderate Income Housing:** A written document adopted by the Richfield 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 Commission:** The Planning Commission of Richfield City, Utah.

**Plat:** A map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603, Section 17-23-17, or Section 57-8-13, Utah Code Annotated, 1953, as amended.

**Plat, Final:** A drawing prepared in accordance with the Land Use Ordinances showing the final design of a land division and complying with all standards and requirements of best surveying practice and in a form required by the Sevier County Recorder's Office for recordation.

**Plat, Preliminary:** A drawing prepared in accordance with the Land Use Ordinances showing the design of a proposed land division.

**Primary Building:** The principal building located on a lot, parcel, or tract of land and designed or used to accommodate the primary use.

**Primary Use:** The principal purpose for which a lot, parcel, tract, or building is designed, arranged or intended, or for which it is occupied or maintained.

**Private Drive:** A non-dedicated thoroughfare used exclusively for private access to a lot, parcel, or tract of land.

**Property:** Any lot, parcel, or tract of land, including improvements thereon, and recorded as real property in the Office of the Sevier County Recorder.

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

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

**Public Hearing:** A hearing at which members of 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:** A meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

**Public Works Director:** The person so appointed by the City.

**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:** A map of a survey of land prepared in accordance with Section 17-23-17, Utah Code Annotated, 1953, as amended.

**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, 1974, as amended.

**Recreational Vehicle:** A vehicular unit primarily designed for 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, boat, a fifth-wheel trailer and a caravan.

**Residence:** A dwelling unit or other place where an individual or family is 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 or structure for residential purposes.

**Residential Facility for Elderly Persons:** A single-family or multiple-family dwelling unit that meets the requirements of Section 10-9a-516 of the Act, but does not include a health care facility as defined by Section 26-21-2.

**Residential Facility for Persons with a Disability:** A residence:

1. In which more than one (1) person with a disability resides; and
2. (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.

**Residential Uses:** The uses identified in the Tables of Uses – Residential Zoning Districts.

**Revocation:** A action by a Land Use Authority that has the effect to terminate any approval, permit, or license required by the City's Land Use Ordinances, including this Ordinance.

**Right-of-Way:** Any area provided for conveying vehicle and pedestrian traffic.

**Roof Line:** The highest point on any building or structure.

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

**Sign:** A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, business, article or merchandise, service, assemblage, 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.

**Sign, Illegal:** Any sign which does not conform to the requirements of this Ordinance and was constructed or installed without the necessary approvals, permits, or licenses required by this Ordinance, or prior enactments.

**Sign, Legal:** A sign that conforms to the requirements of this Ordinance and has received all necessary approvals, permits, or licenses, as required by this Ordinance, or prior enactments.

**Sign, Noncomplying:** A sign or sign structure of portion thereof lawfully existing at the time this Ordinance became effective, but which does not conform to all applicable requirements now provided by this Ordinance.

**Sign, Non-maintained:** A sign which, due to lack of repair, cleaning, painting, oiling, or changing of light bulbs has become deteriorated, hazardous, or non-functional.

**Sign, Off-Premise:** Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered at a location other than on the lot, parcel, or tract upon which such sign is located.

**Sign, On-Premise:** A sign that directs attention to a business, commodity, product, use, service or other activity that is sold, offered or conducted on the lot, parcel, or tract upon which such sign is located.

**Site Plan:** A schematic, scaled drawing of a lot, parcel, or tract which indicates, as may be required by this Ordinance, including but not limited to 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 use, activity, building or structure.

**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:** An entity established under the authority of Title 17A, Special Districts, Utah Code Annotated, 1953, as amended, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

**Special Exception:** An adjustment to a development standard and authorized as an adjustment to the requirements of this Ordinance, such adjustment requiring careful review.

**Specified Public Utility:** An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, Utah Code Annotated, 1953, as amended.

**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 the date of the commencement of the first development activity on the site.

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

**Street:** 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:** Any land that is divided, resubdivided or proposed to be divided into two (2) 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:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

2. Except as provided in Subsection (36)(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:

1. 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;
2. 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;
3. 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; or
4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
  - a. no new dwelling lot or housing unit will result from the adjustment; and
  - b. the adjustment will not violate any applicable land use ordinance.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

**Subdivision Application:** The applications required by the Richfield City Subdivision Ordinance and required to initiate the review procedures for any required subdivision approval.

**Subject Property:** The land area, identified by the Parcel Identification Number, provided by the Sevier County Recorder's Office or Sevier County Assessor's Office, for which an approval is required to comply with this Ordinance, or the Act.

**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.

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

1. Designed 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').

**Unenclosed Projection:** A structure which has three (3) open sides such as, but not limited to porches, verandas, patios and shall include any part of the roof, porch, or structure.

**Unincorporated:** 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.

**Useable Area:** The area enclosed, usable, and accessible by a domestic livestock or fowl animal and would exclude any area occupied by structures, landscaping, driveways, or any other structures or barriers which would exclude or limit access or use by the animal.

**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, parcel, or tract of land.

**Variance:** A modification granted by the Board of Adjustment to a development standard with a finding of hardship.

**Vehicle:** A 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 an Ordinance, Code, Statute, or Law has been, or is being broken.

**Wireless Telecommunication Facility:** A 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, parcel or tract of land, 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 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 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 and the front line of the building and extending from the side line of the building 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 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 City that has been given a designation which regulates the construction, reconstruction, alteration, repair, or use of buildings or structures, or the use of land as set forth in this Ordinance.

**Zoning Map (Zoning Districts Map):** A map, adopted as part of a Land Use Ordinance that depicts land use zones, overlays, or districts of Richfield City.

**Zoning Ordinance:** This Ordinance, and any amendments thereto as may be amended from time to time. This Ordinance is determined and identified to be a Land Use Ordinance of Richfield City, Utah.