

Chapter 1
GENERAL AND SUPPLEMENTARY PROVISIONS

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1.1. SHORT TITLE

This Code shall be known as “The Land Use Development and Management Act” of East Carbon City, and may be so cited and pleaded. It may also be referenced as the “Land Code”.

1.2. PURPOSE

This code is adopted to provide for the health, safety, and welfare, and to promote the prosperity, peace, good order, comfort, convenience, and aesthetics of East Carbon City and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster agricultural and other industries, protect both urban and non-urban development, and to protect property values, promote wise energy use and efficiency and to protect the environment.

1.3. EFFECT OF CHAPTER

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may

be, the zoning district regulations and all other regulations appearing elsewhere in this Code.

1.4. INTERPRETATION

In interpreting and applying the provisions of this Code, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. Additional requirements may be recommended and / or implemented by the East Carbon City Planning and Zoning Commission and/or the City Council.

1.5. CONFLICT

1. This Code shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail over such provisions which are less restrictive.
2. Whenever other restrictions or provisions are adopted under Utah state law, the most restrictive requirement shall govern.

1.6. EFFECT ON PREVIOUS ORDINANCES AND MAPS

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Code, including any attached or referenced map or maps, shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions or previous codes is included in this Code, whether in the same or in different language; and this Code shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or non conforming uses and buildings and structure, and to questions as to the dates upon which such uses, buildings, or

structures became conforming or non conforming.

1.7. LICENSING

All officials and public employees of East Carbon City who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code and shall knowingly issue no permit or license for uses, building, or purposes where the same would be in conflict with provisions of this Code and any such permit or license, if issued in conflict with the provisions of this Code, shall be null and void.

1.8. SEVERABILITY

Should any chapter, section, clause, or provision of this Code be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Code as a whole or any part thereof other than the part so declared to be invalid.

1.9. LEGAL REMEDIES FOR VIOLATION

Any person, firm or corporation, whether as principal, agent or employee, who violates or causes the violation of any of the provisions of this Code shall be guilty of a Class C misdemeanor as defined by Utah State Code and upon conviction thereof shall be punished as provided by law.

1. In addition, the following may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use:
 1. East Carbon City, by action of the City Council; or

2. Any owner of real estate within the zoning district in which an alleged violation of this Code has occurred; or the owner of real estate across a zoning district line and abutting or facing the real estate where the alleged violation has occurred.

1.10. APPEALS

1. No person may challenge in district court East Carbon City’s land use decision made under this chapter or under any regulations made under authority of this chapter or this Code unless and until they have exhausted their administrative remedies. (See Appeal Authorities, Section 2.2.4)
2. Any person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local decision is rendered. All references to the “district court” herein refer to the 7th District Court in and for Carbon County, State of Utah.
3. Any and all court actions shall take place in Carbon County, Utah and be governed by the laws of the State of Utah.

1.11. ENFORCEMENT

1. East Carbon City or any owner of real estate within East Carbon City in which violations of this chapter or ordinances enacted under the authority of this chapter occur or are about to occur may, in addition to other remedies provided by law, institute:
 1. injunctions, mandamus, abatement, or any other appropriate actions; or

2. proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
3. East Carbon City need only establish the violation to obtain the injunction.
4. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within East Carbon City without approval and issuance of a valid building permit by East Carbon City when required.
5. East Carbon City may not issue a building permit unless plans, details, specifications and information of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

**1.12. ZONING ADMINISTRATOR
AUTHORITY AND DUTIES**

The Zoning Administrator may be appointed by the Mayor, with the advice and consent of the City Council. In the absence of the Zoning Administrator position within East Carbon City, the Mayor may assign such duties to other departments within East Carbon City with the advice and consent of the City Council. The Zoning Administrator is hereby authorized to enforce this Code and all provisions hereof, and shall do so by any legal means available to him/her, including but not limited to the following:

1. Advise the Building Official, inspector and City Engineer on the issuance of building permits, conditional use permits, zoning permits and development permits. When the Zoning Administrator gives written notification to the Building Official, inspector and/or City Engineer that an intended use, building, or structure would be in violation of this Code,

such written notification shall be presumption of non-conformance or illegality and a permit for such use, building, or structure, shall not be issued. (If the offices of Building Official and Zoning Administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification.)

2. Inspect the uses of buildings, structures or land to determine compliance with this Code. Such inspections shall be made at reasonable times.
3. Issue Notices of Violation wherever buildings or lands are being used contrary to the provisions of this Code. (This shall be done by serving notice in writing on any person or group engaged in said use and posting such notice on the premises.)
4. Inform the City Council of all Code violations and recommend specific courses of action with regard to each violation.
5. Maintain a file of Code violations and action taken by the City Council on such violations.

1.13. DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Code. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure;” the words “used” or “occupied” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word “shall” is mandatory and not discretionary, and the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust,

company, or corporation, as well as an individual; the word “lot” includes the words plot or parcel. An asterisk (*) at the definition means that the word is defined in the Utah State Code. Words used in this Code but not defined herein shall have the meaning as defined in any other ordinance adopted by East Carbon City.

1. **ACCESSORY BUILDING OR STRUCTURE.** A building (including solar energy systems and renewable energy systems which may require separate review and permitting consideration) on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or structure. An accessory building shall include any structure for caretaker, or security housing,
2. **Accessory Use.** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.
3. **ACTIVE SOLAR SYSTEM.** A system of equipment capable of collecting and converting incident solar radiation into heat, mechanical or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to the point of use. This includes water heating, space heating or cooling, electric energy generation or mechanical energy generation and the architectural and engineering design or system necessary to balance or optimize active components thereof.
4. **ADULT DAYCARE FACILITY.** Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardian for periods of less than twenty-four (24) hours per day.
5. **AMERICANS WITH DISABILITIES ACT (ADA).** Federal Law which sets guidelines for accessibility to places of

public accommodation and commercial facilities by individuals with disabilities.

6. **AGRICULTURE.** The production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business.
7. **AGRICULTURAL INDUSTRY (AGRICULTURAL BUSINESS).** The processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the East Carbon City Planning and Zoning Administrator.
8. **AIRPORT.** Shall be defined as identified by the Federal Aviation Administration (FAA) and shall include all types of airports and all levels of air service.
9. **ALLEY.** A public access-way generally less than 26 feet in width, which is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street for the purpose of this Code. Maintenance of alley-way is the responsibility of the fronting, adjacent, adjoining, or abutting property owners.
10. **ALLUVIAL SOILS.** Areas subject to periodic flooding as defined in the soil survey prepared by the Natural Resources Conservation Service which encompasses East Carbon City.
11. **AMUSEMENT PARK.** Any place of organized amusement activity not conducted wholly within a completely

- enclosed building, whether a commercial or non-profit enterprise, except temporary celebrations or events sanctioned by the City Council by a special permit.
12. ANCHORED. Secured in a manner that provides positive connection.
 13. ANIMAL CLINIC (ALSO ANIMAL HOSPITAL). Any building or portion thereof designed or used for the care or treatment of animals or fowl, and/or in which veterinary or grooming service is provided or is available.
 14. APPROVED. Allowed by any applicable land use authority.
 15. APPURTENANCES. Appendages and incidental details on buildings are to be allowed such as building projections, coverings for mechanical equipment, etc.
 16. ARCHITECTURAL PROJECTION. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.
 17. ASSISTED LIVING FACILITY. A residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated support personnel and health care services, available 24 hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services Rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermediate nursing care; (2) administration of medication; (3) support services promoting residence independence and self sufficiency. Such a facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.
 18. AUTOMATIC CAR WASH. A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding 1-1/2 tons capacity.
 19. AUTOMATIC TRUCK WASH. A facility for automatic or self-service washing or cleaning of trucks exceeding 1-1/2 tons capacity.
 20. AUTOMOBILE PAINT SHOP. A facility for minor body and fender repair and painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.
 21. AUTOMOBILE FUELING STATION. A facility where gasoline or any other motor fuel for operating motor vehicles is offered for sale to the public and is dispensed to the vehicle by the purchaser or an attendant; the self service station may be independent or in conjunction with a retail store.
 22. AUTOMOBILE SERVICE STATION. A facility where lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where automotive services are performed including tire repair, tire sales, battery sales or charging, and tune-up of automobiles, but not including major auto repair.
 23. AUTOMOTIVE BODY AND FENDER SHOP. A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding and painting.
 24. AUTOMOTIVE SALES AREA. An open area used for display, sale, or

- rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition and on a concrete, gravel or asphalt surface.
25. **AUTOMOTIVE SALVAGE YARD (AUTOMOBILE WRECKING OR PROCESSING YARD).** A lot or portion thereof used for the storage, dismantling and demolition of automobiles, other vehicles, other machinery, or parts thereof.
26. **AVERAGE SLOPE.** An expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is 100 percent slope (rise/run x 100).
27. **BASEMENT.** That portion of a building which is partly or completely below grade. A story, the floor of which is more than $\frac{1}{2}$ of its floor-to-ceiling heights is below the average contact level of the adjoining ground. A basement shall be counted as a story when more than $\frac{1}{2}$ of its floor to ceiling height is above the average contact level to adjoining ground.
28. **BATHROOM.** A room containing sanitation plumbing fixtures including a bathtub or shower.
29. **BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
30. **BEGINNING OF CONSTRUCTION.** Means any visible work or alteration of a site, land or building.
31. **BIKE PATH (BIKE TRAIL, BIKE LANE).** A right-of-way designed and constructed and dedicated for use by bicycles and not intended for use by pedestrians or motor vehicles of any kind. A bike path may be located within or without a street right-of-way, at grade, or at a grade separated from vehicular traffic. Bike lanes may also be included as a part of a street.
32. **BILLBOARD** means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. Also known as "off premise advertising."
33. **BLOCK.** The land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.
34. **BOARDER.** A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who reside on the premises with the operator, shall not be considered a boarder.
35. **BOARDING HOUSE.** A building or portion thereof where, for compensation, rooms are rented together with meals for not more than six (6) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to

- deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.
36. **BUILDABLE AREA.** The portion of a lot remaining after required setbacks have been provided, except that land with an average grade exceeding 25 percent shall not be considered geotechnically buildable unless it is geotechnically evaluated by a qualified and/or engineer and approved by conditional use permit.
37. **BUILDING.** Any structure used or intended to be used for the shelter or enclosure of persons, animals, equipment, vehicles or property.
38. **BUILDING, HEIGHT OF.** The vertical distance from the average natural grade surface at the foundation, to the highest point of the building roof or coping.
39. **BUILDING OFFICIAL or INSPECTOR.** (1) Building Official: the person designated or appointed by the Mayor and City Council as the Building Official; (2) Building Inspector: the person designated or appointed by the Mayor and City Council as the Building Inspector for East Carbon City. The Building Official and Building Inspector may or may not be the same person.
40. **BUILDING, PUBLIC.** A building owned and operated, or owned and intended to be operated by the City, a public agency of the United States of American, the State of Utah, or any of its political subdivisions. The use of a public building is non transferrable and terminates if the structure is devoted to a use other than as a public building.
41. **CAMPGROUND.** A public area designated by a public agency for camping, or a private area licensed by the City for camping.
42. **CAMPING.** A temporary establishment of living facilities such as tents, trailers or recreational coaches as regulated by this Code.
43. **CARPORT.** A private garage completely open on two sides, or 50% open based on three to four sides. May have one side completely closed.
44. **CELLAR.** A room or rooms having more than 50 percent of the floor to ceiling height under the average level of the adjoining ground, for storage and not living quarters.
45. **CHILD NURSERY (DAY CARE CENTER).** An establishment for the care and/or the instruction of 5 or more children, (other than for members of the family residing on the premises), for compensation, but not including a public school or pre-school.
46. **CHURCH.** A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for religious worship and instruction.
47. **CITY COUNCIL.** The elected legislative body of East Carbon City.
48. **CITY ATTORNEY.** The officially designated attorney for East Carbon City.
49. **CITY ENGINEER.** The officially designated engineer of record for East Carbon City.
50. **CLINIC, DENTAL OR MEDICAL.** A building in which a group of dentists, physicians, and/or allied professionals in the healing arts are associated for the conduct of their respective professions. The clinic may include a dental and/or medical laboratory and an apothecary.

It may include out-patient care or operating rooms for outpatient surgery. Does not include overnight or long term care.

51. **CLUB, PRIVATE.** A social, recreational, or athletic club or similar association or corporation incorporated under the provisions of the Utah Non-Profit Corporation and Cooperation Act for the above-stated purposes, which maintains or intends to maintain premises upon which alcoholic beverages are or will be stored, consumed or sold.
52. **COMPATIBLE WITH RESIDENTIAL USE.** Compatibility will be measured by whether or not the proposed development adversely impacts the quality of life or harmony in the area. Property values must be sustained or enhanced as opposed to diminishing value; the effects of ultimate traffic on streets will be considered rather than complaints that a new development will increase unwanted traffic; improvements in the infrastructure will be considered as to how and who pays for them; positive contributions to the financing of needed improvements will be weighed against the assessment on existing residential developments; proximity of possible impacts will be evaluated and non-directly impacted citizens will be considered in the group of the general citizenry. Also, aesthetic relief from the monotonous and uniform subdividing of the countryside will be considered a positive factor.
53. **CONDITIONAL USE** means a land use that, because of its unique characteristics or potential impact on East Carbon City, or surrounding neighbors, or adjacent land uses, or the environment, may not be compatible in

some areas or may be compatible only if certain conditions are required that mitigate or eliminate known or anticipated detrimental impacts. (A use of land for which a conditional use permit is required, pursuant to this Code.) Approval based on conditions.

54. **CONDEMN.** To deem unfit for occupancy.
55. **CONDITIONAL USE DEVELOPMENT.** A subdivision, planned unit development, manufactured home park, manufactured home subdivision, recreation vehicle park, landfill, land excavation, commercial or industrial development.
56. **CONDOMINIUM.** The ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property as provided by state law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in a single development. In a condominium development the multiple individual ownerships are in structures, whereas in subdivisions such ownerships are in land. For regulation purposes the development of a condominium project is treated by Utah State law and by this Code as a subdivision, and condominium developments must comply with the subdivision regulations of this Code.
57. **CORRAL.** A space, other than a building, less than 1 acre in area or less than 100 feet in width, used for the confinement of animals or fowl.
58. **COUNTY.** Means the unincorporated areas of Carbon County, Utah.

- 59. **CROSSWALK OR WALKWAY.** A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; but may be crossed by vehicles at right angles; a crosswalk or walkway or pedestrian-way may be located within or outside of a street right-of-way, at grade, or at a grade separated from vehicular traffic.
- 60. **CUL-DE-SAC.** A street which is designed to remain permanently closed at one end, and designed to accommodate the turning around by vehicles. For purposes of this Code, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac. A temporary cul-de-sac with dimensions approved by the East Carbon City Planning and Zoning Commission may be considered while waiting for a permanent through street.
- 61. **DAIRY.** A facility for the production of milk on a farm for wholesale marketing off the premises shall be classified as a dairy. A commercial establishment for the manufacture, processing or packaging of milk products, and their sale is not a dairy.
- 62. **DENSITY.** Density is a measure of the number of dwelling units per acre of area. It shall be expressed as dwelling units per acre (DU/acre).
- 63. **DETACHED.** When a structural element is physically disconnected from another.
- 64. **DETERIORATION.** To weaken, disintegrate, corrode, rust, decay or lose effectiveness.
- 65. **DEVELOPER.** Any person, firm, partnership, corporation or association

who proposes or causes improvements to be constructed, proposes or causes land use to be changed, or land to be subdivided for themselves or others.

- 66. **DEVELOPMENT (LAND).** The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as a subdivision, PUD, manufactured home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

- 67. **DISABILITY.** Physical or mental impairments that substantially limits one or more of a persons major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability, to wit:

- 1. disability does not include current illegal use of, or addition to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21, U.S.C. 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;

- 2. a physical or mental impairment includes the following, to wit:

- 1. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

- 2. any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - 3. such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction, (other than current , illegal use of controlled substances) and alcoholism.
68. **DISTRICT (ALSO ZONE OR ZONING DISTRICT).** A portion of territory, of East Carbon City, established as a zoning district by this Code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. An area with specific use requirements.
69. **DOMESTIC ANIMAL.** Animals that have been tamed and adapted for existence within the human environment. Animals capable of living in a home environment, such as a dog, cat or caged small bird including companion animals. Domestic animals of a type or quantity that are in conflict with the East Carbon City Municipal Code or which are determined to be a nuisance by the Zoning Administrator cannot occupy or be kept within a residential zone. The Zoning Administrator will determine whether an animal is a domestic animal. Challenges to a determination of the Zoning Administrator shall be heard by the Hearing Officer.
70. **DOMESTIC STAFF.** Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
71. **DRINKING WATER FACILITIES.** Water supply lines, pumps, springs, tanks, wells, and/or any other physical facilities necessary to provide a supply of drinking water to use in sufficient quantity and of approved quality to meet the standards of this Code and Utah law.
72. **DRIVEWAY.** A private roadway, the use of which is limited to persons residing, or employed at, or otherwise using or visiting the parcel on which the driveway is located. See Section 6.5 for size, spacing and quantity limitations on residential and commercial driveways. Restrictions and conditions regarding the installation of driveway overshot entrances may be required by the Zoning Administrator and/or City Engineer.
73. **DWELLING.** Any building or portion thereof designed or used as the principal residence or sleeping place of one or more persons or families, but not including a tent, a recreation coach, hotel, motel, hospital, or nursing home.
74. **DWELLING, SINGLE FAMILY.** A building containing only 1 dwelling unit.
75. **DWELLING, TWO FAMILY (DUPLEX).** A building containing only 2 dwelling units.
76. **DWELLING, THREE FAMILY (TRIPLEX).** A building containing only 3 dwelling units.

77. **DWELLING, FOUR FAMILY (FOUR-PLEX).** A building containing only 4 dwelling units.
78. **DWELLING, MULTIPLE FAMILY.** A building containing more than 1 dwelling unit.
79. **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. One or more rooms in a dwelling, apartment complex or condominium designed for and/or occupied by one or more persons or a family for living or sleeping purposes and having a kitchen, bathroom and sleeping quarters.
80. **EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall permit use under, on, over or above a said lot or lots. That portion of a lot, lots or other property, reserved for present or future use by a person, entity, utility provider or governmental agency other than the legal owner(s) of said properties. The easement may be for use on, under, or above said lot or lots, for wires, conduit, pipes, fire hydrants, poles, control boxes, manholes, etc.
81. **ELDERLY PERSON.** A person who is 60 years or older, who desires or needs to live with out other elderly persons in a group setting, but who is capable of living independently.
82. **ENVIRONMENTAL REPORT**
A written report which describes the predevelopment conditions of the site and the post development impact.
1. The report includes a tabulation of proposed population density and the

- numbers and types of proposed dwellings and other buildings and spaces to be occupied at full development.
2. The report further describes the impact of the proposed development on the following specific subject areas during development and once the anticipated population density and use is achieved: slope, soils, water courses, water table, flood hazard areas, wet lands, geologic hazards, vegetative types, wildlife, wildlife habitat, air quality, water quality, noise, lighting, traffic, sight distance, access to services, and utilities.
 3. The report also evaluates the potential area-wide economic impact of the development on both private and public economic sectors and the potential impact on school, public utility, and transportation systems.
 4. Finally, the report recommends measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from construction of the proposed development, and discusses the benefits to be gained from such development, and what adverse impacts cannot be avoided and the extent of their detrimental influence.
83. **EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
84. **ESSENTIAL FACILITES.** Those facilities which are common to the community and essential for servicing

the residents and businesses; roads, rail systems, utilities, irrigation, parks, water, sanitary sewer, storm sewer, power, telephone, radio, television stations, cable TV, fiber optics, sanitation, health and public safety facilities provided by a public utility or governmental agency and for overhead, surface or underground services, and such other necessary uses as may be required by the City Council.

85. **EXCAVATION.** Any disruption of the land, ground, earth, rock, soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use, building or for repairing or constructing urban service facilities are processes, whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization. Excavation in any zoning district may require prior approval and/or permitting.
86. **EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.
87. **FAMILY.** One or more persons related by blood, marriage, adoption, or guardianship, and shall also include three (3) additional unrelated individuals living with the family, such as Domestic Staff, living together as a single non-profit housekeeping unit. Family does not exclude the care of foster children.
88. **FAMILY FOOD PRODUCTION.** The keeping of not more than 2 cows, 2 sheep, 2 pig, 2 goats, 20 rabbits, 25 chickens, 10 pheasants, 10 turkeys, 10 ducks, 10 geese, and 20 pigeons, on a lot which is ½ acre larger than the

minimum required lot size for a single-family residential lot in the zoning district, provided that an additional number of animals and fowl listed above may be kept on each additional one-half acre in the lot, and provided that not more than three categories of the above-listed kinds of animals and fowl are permitted at any one time on any ½ acre lot with the above stated quantities. A horse may be substituted for a cow.

89. **FARM AND/OR WILD ANIMALS.** Also referred to as livestock, farm or barnyard type animals. Animals that are kept for personal use or profit. Animals that typically reside in an agricultural setting and produce food and fiber. Livestock that is generally raised for subsistence or for profit. Includes domestic farm animals such as cows, goats, sheep, pigs and horses. Wild and/or exotic animals such as snakes, monkeys and other primates, alligators, etc., which are typically found in uninhabited environments and are not considered native species found in Utah. Farm and/or wild animals may be considered a nuisance and in violation of the East Carbon City Municipal Code. The Zoning Administrator will determine whether an animal is considered a wild, exotic, farm or barnyard animal. Challenges to a determination of the Zoning Administrator shall be heard by the Hearing Officer.
90. **FEED YARD.** An agricultural industry in which animals or fowl are kept and intensively fed in a relatively restricted area, as contrasted with open pasturage.
91. **FINAL PLAT OR FINAL PLAN.** A plat map prepared in accordance with the provisions of this Code, which is

designed to be placed on record in the office of the County Recorder and/or City Recorder. A final plan is a map showing a drawing, details and/or information describing a project, use or building.

- 92. **FIRE FIGHTING FACILITIES.** Such water supply, water lines, fire hydrants, storage, sprinklers and other protective devices as may be required in accordance with the provisions of this Code.
- 93. **FLOOD HAZARD.** A hazard to life, land, buildings or improvements due to inundation or overflow of water having sufficient velocity, depth and width to transport water or debris, scour the surface soil, cause flooding, dislodge or damage buildings, erode the banks of water courses or threaten life.
- 94. **FLOOD PLAIN.** Areas adjoining any streams, rivers, ponds or lakes which are subject to “100 year recurrence interval floods” on maps prepared for the “National Flood Insurance Program,” or a study conducted by a qualified engineer in the preparation of hydrological and hydraulic studies and the determination of flood lines, flood elevations, floodways, and “flood fringe” areas.
- 95. **FLOOD PLAIN SOILS.** Areas subject to periodic flooding and listed in the soil survey prepared by the Natural Resources Conservation Service which encompasses areas as being “on the floodplain” or subject to “flooding”.
- 96. **FLOODWAY.** The flood way is the part of the flood plain which is the main channel that carries and discharges the highest velocity and largest part of the flood flow. The flood plain is shown on maps prepared

for the National Flood Insurance Program or study.

- 97. **FLOOR AREA.** The gross area in square feet of the main building, accessory buildings and other areas of specific use both indoors and out of doors.
- 98. **FRONTAGE.** All property fronting on the side of a street at the property line or right of way line.
- 99. **FRONTAGE, LOT.** The lineal measurement of the front lot line.
- 100. **FRONT YARD.** The portion of a parcel of property that fronts a public street that is not an alley and extends to the fronting façade of the main building or structure of the property.
- 101. **GARAGE, PRIVATE.** An accessory building designed and/or used for the storage of property and motor vehicles owned and used by the occupants of the building to which it is accessory, provided that a garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common and are attached and all four walls are enclosed including a main garage door.
- 102. **GARAGE, PUBLIC.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, leasing, renting or storing motor vehicles.
- 103. **GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food (see also Rubbish below).
- 104. **GARDENING.** The production of food through the tilling of the soil, the raising of crops, for personal use and personal sales of crops grown on

the property but not including any agricultural industry or business.

105. **GENERAL PLAN.** A document that East Carbon City adopts that sets forth general guidelines for proposed future development of the land within East Carbon City. Includes what is commonly referred to as a “master plan”, or “comprehensive plan”.

106. **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth. Geologic hazards include but are not limited to: rock falls, slide areas, cliffs, unconsolidated fill areas, floodplains, earthquake fault lines, high water table, and ground water problems, wetlands, liquefaction, etc.

107. **GOVERNING BODY** means the city council of East Carbon City

108. **GRADE (LOT GRADE, FINISHED GRADE).**

1. For buildings fronting one street only, the elevation of the property at the center of the building lot where it adjoins the street.
2. For buildings fronting more than one street, the average of the elevations of the property at the centers of all lots.

109. **GROUP HOMES.** A home for certain disabled or elderly persons as defined by Utah State law as being permitted in residential areas of East Carbon City by conditional use permit. (see ELDERLY, and PERSON WITH A DISABILITY)

110. **GUARD.** A building component or a system of building components located at or near the open sides of

elevated walking surfaces that minimizes the possibility of a fall from the walking surface to lower level.

111. **HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking, Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

112. **HOME OCCUPIED BUSINESSES.**

1. An occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise. The home occupation may involve the use of any accessory building, either attached or detached, provided it does not substantially change the character of the dwelling or of the neighborhood. The Planning Commission’s review of an application in arriving at affirmative findings to meet the above requirements shall also include the following specific standards;
 1. An independent contractor selling or operating through personal contacts or parties, based in a home, such as candles, jewelry, Tupperware, etc., shall be considered subject to the requirements and restrictions and standards indicated below for home occupied businesses.
 2. No more than two employees (members of the immediate family residing in the home are not considered employees).

3. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment etc.) is permitted either on or off-site which are not customarily observed in residential use.
4. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.
5. No parking lots beyond the driveway for more than 4 vehicles on the premises outside of the residential structure(s).
6. All required parking will be accommodated on-site.
7. Harmful waste, or debris, residential or otherwise may not be generated.
8. Unusual electronic interference may not be generated.
9. Non-residential or unusual dust, smoke, odors, noise, discharges and other contamination may not be generated.
10. Home occupied businesses shall obtain applicable local, state and federal business licensing and/or permitting.
11. When day care and pre-school centers for 4 or more children under the age of 14 for more than 4 hours a day are approved as "home occupied businesses" the following conditions will also be required:
 1. A license from the Utah Department of Social Services which shall be obtained and maintained, and all regulations and conditions imposed by that agency observed.
 2. Copies of all required State licenses will be attached to application.
 3. The foster child can be assimilated reasonably well into the family (socially).
12. When a foster care home for more than one school-age child, older person, or preschool child is approved as a "home occupation", the following conditions will also be required:
 1. A social worker licensed by the State shall submit to the City Council, in writing or shall appear in person, to explain how the applicant complies with all the applicable State regulations.
 2. The host family shall be a husband and wife legally married or otherwise found to be a suitable host for a foster child by the City Council.
 3. The foster child or adult can be assimilated reasonably well into the family (socially).
 4. The residence occupied by the host family and those placed in foster care shall have adequate eating, sleeping, living and sanitary facilities for the foster care individuals, the host family and all natural and adopted children of the host family.
 5. There will be reasonable privacy and freedom for the foster care individuals to allow normal living and social growth.
 6. The foster care home is reasonably located with respect to neighborhood and other public facilities.
 7. The City Council shall make a determination that approving application will not adversely impact the neighborhood.

- 8. The number of foster care persons living in the home shall be limited to five or less.
- 113. **HOSPITAL.** An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an in-patient and out patient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any in-patient or overnight care, or operates on a 24-hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, out-patient units and training and central services, together with staff offices necessary to operate the hospital.
- 114. **HOTEL.** A building designed and built with individual rooms where lodging is provided for compensation, with or without meals.
- 115. **HOUSEHOLD PETS.** Pets under restrained conditions ordinarily permitted in the house or yard and kept for company or pleasure, such as dogs, cats, fish (aquariums or ponds), rabbits, fowl, reptiles and amphibians, in small numbers. Restrained includes contained, leashed, fenced or caged. Does not include pigs, roosters, goats, llamas, camels, elephants, horses, cows, sheep or similar animals, nor dangerous animals such as birds of prey, poisonous snakes, alligators, wolves, lions, tigers or bears. Living conditions and waste collection for pets shall be well maintained to avoid creation of nuisance's as far as sight, smell or sound. This definition shall not include a sufficient number of dogs or cats as to constitute a kennel as defined in this Code.
- 116. **HUD CODE.** Housing and Urban Development. The Federal Manufactured Housing Construction and Safety Standards Act.
- 117. **IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.
- 118. **IMPERVIOUS SURFACE.** Impervious surfaces are those that do not absorb water or liquids and thus cause ponding and/or runoff. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Building Inspector or City Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.
- 119. **IMPERVIOUS SURFACE RATIO.** The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.
- 120. **IMPOUND/SECURITY LOT.** A security lot fenced with or without guarding, barbwire, and/or illumination, where police or privately impounded vehicles may be kept for legal evidence or other purposes or while awaiting repairs. A site where damaged vehicles are typically stored after an accident.
- 121. **INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- 122. **INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for

reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

123. **IMPROVEMENTS.** Work, objects, devices, facilities, or utilities required to be constructed or installed in a land development. Such improvements, constructed to required standards, may include, but are not limited to, streets, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, trees, street signs, street lights, electric power, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this Ordinance, subdivision regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed land development and mitigation of adverse conditions.
124. **IMPROVEMENTS AGREEMENT.** An agreement (Development Agreement, etc.) between East Carbon City and a developer, wherein the developer agrees to install all improvements required by this Code, subdivision regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed land development and mitigation of adverse conditions.
125. **INTEGRATED DEVELOPMENT PLAN.** Comprehensive management for best assurance of maintaining standards and conditions of approval is the intent in the administration of a conditional use permit. Therefore every assurance will be required to maximize the meeting of the community's performance standards and minimize the problems of their

enforcement through approved comprehensive management plans which have been prepared by the applicant and approved by the City Council. Single responsible management is felt crucial to consistent care and observance of binding regulations in assuring compatibility with the surrounding area of certain developments negotiated with the community.

126. **JUNK.** Any salvaged or scrap copper, brass, iron, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk. Also means any dismantled, wrecked, or inoperable motor vehicles, or parts thereof. A motorized vehicle of any type shall be considered inoperable if it is parked or stored on property outside of an enclosed garage and is not currently registered and licensed in this state or another state.
127. **JUNK YARD.** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk,
128. **KENNEL.** Any premises where 3 or more dogs or cats older than 6 months are kept temporarily for boarding, breeding or medical services.
129. **LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested

and found suitable for a specified purpose.

130. **LAND, AGRICULTURAL.** Land used for bona fide agricultural purposes or which is projected for agricultural use by the general plan or the zoning ordinance adopted by East Carbon City.

131. **LAND, COMMERCIAL.** Land used for bona fide commercial purposes, or which is projected for commercial use by the general plan or the zoning ordinance adopted by East Carbon City.

132. **LAND DEVELOPMENT STANDARDS.** Adopted standards, including but not limited to: drawings, details, specifications, studies, maps, surveys, tables, charts and references which have been adopted by the City Council by resolution and which set a standard that design and construction shall meet or exceed.

133. **LAND INDUSTRIAL.** Land used for bona fide industrial purposes or which is projected for industrial use by the general plan or the zoning ordinance adopted by East Carbon City.

134. **LAND USE INTENSITY.** The degree to which land is used ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by:

1. type of use (i.e., agricultural, residential, commercial, manufacturing or industrial);
2. period of use in average hours per day;
3. numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and

4. the percent of the land covered by structures or improvements.

135. **LANDSCAPING (LANDSCAPED)** means the planting, paving and final dressing of finished graded earth (dirt) including retaining walls, trees, ground cover, rock, perennial plants and annual plants etc., and together with an irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity. Does not include asphalt or concrete flat work.

136. **LARGE RESIDENTIAL FACILITY.** Also called a Large Group Home, authorized as a conditional use. Large Group Homes, as either a principal or accessory use, shall not exceed six (6) persons as residents for all types of facilities. No large group home shall be located within 1,260 feet of any other type or size of group home. A reasonable accommodation may be requested for potential locations not complying with the 1,260 foot rule. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying at the home as a result of criminal offenses.

137. **LEGISLATIVE BODY** means the City Council.

138. **LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

139. **LIGHT MANUFACTURING.** Only those processes which clearly do not

- threaten the natural environment or the harmony of the neighborhood or immediate vicinity, may be considered light manufacturing and permitted in an area. Uses such as electronics, non-toxic welding or soldering of small items, assemblage of relatively small portable devices, highly controlled testing, and small area accessory warehouse or storage facilities to accommodate the in-house manufactured items with their associated stocks of supplies are allowed.
140. **LODGING HOUSE.** A dwelling with not more than 10 guest rooms where, for compensation, lodging is provided for at least 3 but not more than 15 persons, but not including motels or hotels.
141. **LOT.** A parcel or unit of land abutting a public street or approved private street, described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a subdivision plat map, planned unit development plot map, or condominium lot map, provided it is created pursuant to this Code.
142. **LOT AREA.** The area contained within the property lines of the individual parcels of land as may be shown on a subdivision plat or required by this Code, excluding any area within an existing street right-of-way, easements or any area required as open space under this Code.
143. **LOT AREA PER DWELLING UNIT, AVERAGE.** The average lot area for all single dwelling units. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this Code are met.
144. **LOT, CORNER.** A lot abutting or fronting upon 2 or more streets at their intersection.
145. **LOT DEPTH.** The horizontal distance between the center of the front lot line to the center rear lot line.
146. **LOT FRONTAGE.** The length, in feet, of the front lot line from lot corner to lot corner along the street right of way line.
147. **LOT HELD IN SEPARATE OWNERSHIP.** Shall mean all contiguous land held in one ownership at the time of the passage of this Code or at any time hereafter, whether or not such land has been or is described separately, has separate chains of title, is described on one or more property tax notices, or is otherwise divided on paper.
148. **LOT, INTERIOR.** A lot other than a corner lot.
149. **LOT, LEGAL NON-COMPLYING.** A lot which was legally created prior to the adoption of this Code.
150. **LOT LINES.** The property lines bounding the lot.
151. **LOT LINE, FRONT.** For an interior lot, the lot line adjoining the street right of way; for a corner lot or through lot, each lot line adjoining a street.
152. **LOT LINE, REAR.** Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In cases where this definition is ambiguous, the zoning administrator shall designate the rear lot line. The rear lot line may front a street right of way; but, is not considered the primary frontage.
153. **LOT LINE, SIDE.** Any lot boundary line not a front or rear lot line. (This does not apply to any yard fronting on

- a street, which is by definition a front yard line.)
154. **LOT, RESTRICTED.** A lot having an average slope of 25 percent or more; a lot which does not contain the minimum size of a lot permitted in the zoning district where located; a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site has a slope of 25 percent or greater; a front driveway that accesses a structure below the grade of the curb and gutter; or a lot subject to geologic hazards, or other notable problems.
155. **LOT RIGHT-OF-WAY.** A strip of land not less than 35 feet in width connecting a lot to a street for use as private access to that lot.
156. **LOT, UNRESTRICTED.** A lot having an average slope of less than 25 percent, containing a buildable area; beyond the required set backs; has positive drainage away from the all buildings; geologic hazards are negligible or can be mitigated.
157. **LOT WIDTH.** The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.
158. **MAIN USE OR BUILDING.** The principal use which will occur on a lot or the principal structure to be used by the owner on a lot, to which all other uses and structures are accessory or secondary.
159. **MAJOR LIFE ACTIVITIES.** Functions such as caring for ones self, performing manual tasks, walking, seeing, hearing, speaking, breathing , learning, working.
160. **MAJOR STREET PLAN.** A map of East Carbon City which shows the

existing and future public street system and which has been officially adopted by the Planning Commission and City Council as the major street plan or transportation master plan for East Carbon City. Future street locations are general in nature. New development shall make every attempt to follow, add to, improve and dedicate the street to the public or East Carbon City.

161. MANUFACTURED, MODULAR & MOBILE HOME HOUSING.

Manufactured Home

A dwelling that is wholly or substantially built in a factory and constructed in accordance with federal manufacturing housing construction and safety standards and regulation. The HUD code also sets performance standards for the heating, plumbing, air conditioning, thermal and electric systems. It is built with major components then delivered to the building site for installation on a permanent foundation. It is a structure that is constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy and residential use.

Modular Home

A modular home is a factory built house or building, that meets state and local codes, intended for residential occupancy that comprises “modules”. It is equipped with complete plumbing, electrical and heating facilities and designed to be moved on the public highways to a site for installation on a permanent foundation. They differ from mobile homes largely in their absence of axles or a frame.

Mobile Home

A dwelling structure used for residential purposes, that was constructed between January 1, 1962, and June 15, 1976, when the HUD code went into effect. It is a dwelling structure that was manufactured, assembled, equipped with complete plumbing, electrical and heating facilities for sleeping and cooking intended for human occupancy. It is designed to be moved on wheels on public highways to a site for installation on a semi permanent foundation and connected to service utilities.

- 162. MARKET ANALYSIS. An economic analysis of the feasibility of a project.
- 163. MANUFACTURED, MODULAR OR MOBILE HOME PARK. A parcel of land that has been planned and improved for the placement of manufactured, modular or mobile homes for non-transient use and consisting of two or more home spaces, where the entire project is to be under single ownership or management and meets all of the requirements of this Code for manufactured, modular or mobile home parks.
- 164. MANUFACTURED/ MODULAR / MOBILE HOME SPACE. A space within a park designed and to be used for the accommodation of 1 manufactured /modular or mobile home.
- 165. MODULAR UNIT. A structure built from sections which are manufactured in accordance with the construction standards adopted by the International Building Code and transported to a building site, the purpose of which is for human habitation, occupancy or use.

- 166. MOTEL. A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the traveling public.
- 167. MUNICIPALITY means a city or town incorporated in the State of Utah.
- 168. NATURAL RETENTION AREA. An area of poorly drained soils which lies along stream channels or swales or is adjacent to flood plain soils, which is subject to periodic flooding.
- 169. NEGLECT. The lack of proper maintenance of a building, structure, or parcel of land.
- 170. NON-COMPLYING STRUCTURE means a structure that legally existed before its current zoning designation and/or building code regulations and because of subsequent changes, does not conform with regulations that govern the structure.
 - 1. A benign non-complying structure may be determined by the Zoning Administrator, upon review and determination with findings, when a development or structure fails to meet current design standards but the non-complying condition(s) are not harmful (de-minimus) and there is little or no need to limit the development or structure from expansion, redevelopment or other actions.
- 171. NON RESIDENTIAL TREATMENT FACILITY. A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse,

drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

172. **NURSING HOME (ALSO CARE CENTER, REST HOME OR CONVALESCENT HOME).** An intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a 24-hour per day basis. Such a facility does not include an adult day care provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

173. **OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

174. **OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

175. **OFF-STREET PARKING SPACE.** The space required to park 1 vehicle off the street, which space shall meet the requirements of this Code.

176. **OFF-SITE FACILITIES.** Improvements not on individual lots or sites, but generally within the right-of-way and adjacent to or within the boundaries of the development which they serve, and as further outlined in this Code.

177. **ON-SITE FACILITIES.** Construction or placement of the main building, accessory buildings, and its appurtenant improvements on a lot.

178. **OPENABLE AREA.** That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

180. **OPEN SPACE RATIO.** A measure of the intensity of land use calculated by dividing total amount of open space within the site by the Base Site Area.

181. **OPEN SPACE, USABLE.** Usable open space shall be any portion of a lot or building which meets all the following conditions:

1. The open space shall be open to the sky or shall be open to view on at least two sides.
2. The space shall be readily accessible by foot traffic from the building or dwelling unit to which it is accessory.
3. If the space is provided on a balcony, roof, or other facility above grade, it

- shall have such protective devices as required by all applicable building codes.
4. The space shall not be provided from any required front or side yard, parking area, or driveway space.
182. OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
183. OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
184. PARK STRIP. Landscaped area or planting strip between the sidewalk and street curb in the public right-of-way.
185. PARKING FACILITY (PARKING LOTS, PARKING STRUCTURES). A building or open area, other than a street, used for the parking of more than 4 automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.
186. PASSIVE SOLAR SYSTEM. A direct thermal system which utilizes the structure of a building and its operable components to provide for collection, storage and distribution of heating or cooling during the appropriate times of the year, by utilizing the climate resources available at the site. It includes those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar and the architectural and engineering design or system simulation necessary to balance or optimize passive components.
187. PEDESTRIAN-WALKWAY. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian-way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.
188. PERMANENT SURVEY MONUMENT. Any structure of concrete, masonry and/or metal permanently placed on or in the ground expressly for surveying reference.
189. PERMITTED USE. A use of land which is allowed within a particular district without the necessity of obtaining a conditional use permit. A building permit, development permit encroachment permit or temporary road closure permit may be required.
190. PERSON. An individual, corporation, partnership or any other group acting as a unit.
191. PERSON WITH A DISABILITY means a person with a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
192. PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

193. **PLANNED DISTRICT.** A zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by the general development plan to be adopted by the City Council as part of the zoning ordinance, after public hearing, as required for other zoning districts.

194. **PLANNED UNIT DEVELOPMENT (PUD).** An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the zoning district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus planned unit development regulations can be subdivision regulations which may be chosen by the developer as an alternative to specifically designate subdivision regulations of this Code, to become effective only through the planned unit development approval process.

195. **PLANNING COMMISSION.** The Planning and Zoning Commission of East Carbon City.

196. **PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

197. **PRINCIPAL USE.** Any use which is named and listed in the use regulations and other provisions of this Code,

except those uses specifically designated as accessory uses; any use which is or may be conducted on a lot independently or any other use on the lot and not incidental or accessory to any other use on the lot; any use which establishes the primary activity on a lot.

198. **PRIVATE NON-PROFIT RECREATIONAL GROUNDS AND FACILITIES.** Non-profit recreational grounds and facilities operated by a non-profit corporation, association, or group.

199. **PROFESSIONAL TEAM, QUALIFIED.** An individual or group of individuals qualified by virtue of certified training, experience, college degree, professional registration, state licensing, and where appropriate, membership in professional associations which pass upon qualifications prior to admittance to membership. A determination of whether or not a team is qualified, in the sense explained above, shall be made solely by the Planning and Zoning Commission.

200. **PROTECTION STRIP.** A strip of land between the boundary of a land development and a street right of way or easement within the land development, for the purpose of controlling the access to the street by property owners abutting the land development.

201. **PROTECTIVE HOUSING FACILITY.** A facility either (1) operated, licensed, or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, where for no compensation, temporary, protective housing is provided to: (i) abused or neglected children waiting placement of foster care; (ii) pregnant

or parenting teens; (iii) victims of sexual abuse; or (iv) victims of domestic abuse.

202. PUBLIC FACILITIES AND PUBLIC SERVICE FACILITIES. For the public convenience, certain infrastructure including streets, water lines, sewer lines, public utilities, parks and drainage facilities may be allowed to serve various areas of the community, as public facilities. Possible additional facilities such as a sub-station for fire and/or police, post office and/or hospital may be determined to be in the public interest as well, as public service facilities by East Carbon City, such as land, buildings and structures used by government, schools and churches.

203. PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public of public use. Maintenance of a public way is the responsibility of the fronting, adjoining, adjacent or abutting property owners.

204. QUASI-PUBLIC. A seemingly public institution, entity or organization that is not actually public (because of independent or private control).

205. REASONABLE ACCOMODATION. A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions to wit:

1. Reasonable. A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations

notwithstanding the benefit that the accommodation will provide to a person with a disability.

2. Necessary. 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 the housing of their choice.

3. Equal Opportunity. Achieving equal results as between a person with a disability and a non-disabled person.

206. RECORD OF IMPAIRMENT.

Having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

REGARDED AS HAVING AN IMPARIMENT. A person is regarded as having an impairment when:

1. the person has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as having such limitation;
2. has a physical or mental impairment that substantially limits one or more major life activities only as the result of the attitudes of others toward such an impairment; or
3. has none of the impairments defined in this section, but is treated by another person as having such an impairment.

207. RECREATION DWELLING (CABIN, RECREATION CABIN). A dwelling designed for limited rather than primary occupancy and generally located adjacent to or with easy access

- to recreational areas. The primary purpose for the construction of such a dwelling is to provide shelter during those limited periods of time when recreation is sought in the adjacent areas.
208. RECREATIONAL VEHICLE, RV, PARK (TRAVEL TRAILER PARK). Any area or tract of land that is subdivided and/or improved where lots are rented or held out for rent, or used to camp for one or more owners or users of recreational vehicles for a temporary time not to exceed 14 consecutive days.
209. RECREATIONAL VEHICLE SPACE. A plot of ground within a recreational vehicle park designated and intended for the accommodation of one recreational vehicle.
210. REHABILITATION/TREATMENT FACILITY. A facility licensed by the State of Utah or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
211. RELATED. Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.
212. RENEWABLE ENERGY. That form of energy whose supply is natural, inexhaustible and not dependent upon fossil fuel supplies. Examples include residential solar heat, wind power, geothermal power, hydropower, etc.
212. RIGHT-OF-WAY. That portion of land dedicated to public use for street, alley, easement, pathway and/or utility purposes or maintained in private use for similar purposes.
213. RESIDENTIAL FACILITY FOR ELDERLY PERSONS. A dwelling unit that is occupied on a 24-hour per day basis by 6 or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following, to wit:
1. 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.
 2. 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; or a facility which is a health care facility as defined by Title 26, Section 21, Chapter 2, Utah Code Annotated, 1953 as amended; or a facility which is a residential facility for persons with a disability.

214. RESIDENTIAL FACILITY FOR YOUTH. A dwelling unit that is occupied on a 24-hour per day basis by 6 or fewer youth persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following, to wit:

1. 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.
2. 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; or a facility which is a health care facility as defined by Title 26, Section 21, Chapter 2, Utah Code Annotated, 1953 as amended; or a facility which is a residential facility for persons with a disability.

215. RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which more than one person, and fewer than 6 people, with a disability resides and which is:

1. licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. licensed or certified by the Department of Human Health under Title 26, Chapter 21,

Health Care Facilities Licensing and Inspection Act.

216. RESIDENTS, RESIDENTIAL FACILITY. Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit. A residential facility designated, occupied, and intending of residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.**218. RESIDUAL LAND.** That land which does not meet the minimum standards for a lot and therefore must be attached and become part of another parcel which does or will conform to lot minimum standards, or be attached to public land for public purposes.

217. ROADWAY WIDTH. For a street the width of the actual paved/gravel surface or travel width to be paved or graveled.

218. ROOMMATE. One of two or more persons, generally unrelated by blood or marriage, sharing the same living quarters such as a single or multi-family structure. A roommate may be considered a joint tenant or a subtenant to the landlord.

219. ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

220. ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

221. RUBBISH.(SEE Garbage) Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of

wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and other similar materials.

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

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

224. SHELTERED WORKSHOP. An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

225. SHELTER FOR THE HOMELESS. Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

226. SIGN. A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the sign structure supports lighting systems and any attachments, ornaments or other features used to draw the attention of observers.

227. SIGN, ANIMATED. A sign which involves motion or rotation of any part created by artificial means, or which displays flashing, revolving or intermittent lights.

228. SIGN AREA. The entire background area of a sign upon which a copy could be placed, or if there is no background, the reasonable area of the sign's message. An awning is not considered to be a background. In computing area of a sign background, only that face or faces which can be seen from one direction at one time shall be counted. The supporting incidental structure of the sign shall not be used in computing sign area.

229. SIGN, AWNING. A sign which is integral with or placed on a translucent awning or other fabric covering a framework and which is backlit and may extend beyond the face of the building.

230. SIGN, CANOPY. A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.

231. SIGN, CHANGEABLE COPY. A sign on which the advertising message, lettering, or other graphic representation is intermittently changed by rotation, electronically or means similar thereto.

232. SIGN, FASCIA, FLAT OR WALL. A sign which is in any manner affixed to any exterior wall of a building and which projects not more than 18 inches and does not extend more than 6 inches above the parapet, eaves or building façade. A fascia sign may also be mounted above or below a canopy, not necessarily flush with the wall, but in all cases only one side has a copy. In the manner described for the fascia unit, individual letter units may also be installed as opposed to a box-type sign. Flat or wall signs may be painted or applied to the wall without projection.

233. SIGN, FLASHING. A sign which contains or is illuminated by lights which are intermittently cut on or off, change in

intensity or otherwise create the illusion of flashing or movement.

234. SIGN, FREE-STANDING. A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

235. SIGN, IDENTIFICATION AND INFORMATION. A sign displayed to indicate the name or nature of a building, or a use.

236. SIGN, ILLUMINATED. A sign on which a source of light is used in order to make the message thereon readable. This definition shall include internally and externally lighted signs.

237. SIGN, MARQUEE. Any sign attached to or made an integral part of a marquee.

238. SIGN, HEIGHT OF. The vertical distance measured from the nearest finished grade (ground level) to the top of the sign, excluding any superficial trim. In the case of a roof sign, the maximum height shall be measured from the roof line or the parapet level, if applicable, at the location of such sign.

239. SIGN, OFF-PREMISE. A sign which advertises a product or service not available on the premises where the sign is located.

240. SIGN, ON-PREMISE. A sign which advertises products or services available on the premises where the sign is located.

241. SIGN ORDINANCE. The sign ordinance of East Carbon City (Chapter 4 of this Code).

242. SIGN, PROJECTING WALL. A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building

façade of the building upon which it is placed.

243. SIGN, ROOF. A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

244. SIGN, ROTATING. A sign which revolves 360 degrees with continuing motion.

245. SITE. A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots, or developed for a specific use.

246. SITE AREA. All land area within the site as defined in the deed and/or boundary description. Area shall be verified by a survey of the area.

247. SITE PLAN. A scaled drawing of and information pertaining to a proposed development site. A site plan shall include the following:

1. Address of the site.
2. The dimensions of the site,
3. North point,
4. Locations and names of existing and proposed buildings,
5. Locations and names of existing and proposed streets, addresses of individual building locations,
6. Public and private easements related to site,
7. Survey monuments,
8. Water courses and impoundments,
9. Location and description of existing and proposed vegetation,
10. Location of proposed parking,
11. Location and size of existing and proposed utility service (water, sewer, power, gas, telephone cable) lines,

12. Location of all other proposed on-site and off-site improvements.

13. Vicinity map (location in City).

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

249. SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

250. SMALL RESIDENTIAL FACILITY. Also called a Small Group Home. Authorized as a conditional use. Small Group Homes, as either a principal or accessory use, shall not exceed three (3) persons as residents for all types of facilities. No small group home shall be located within 1,260 feet of any other type or size of group home. A reasonable accommodation may be requested for potential locations not complying with the 1,260 foot rule. A small group home shall not include persons who are diagnosed with a substance abuse problem or who are staying at the home as a result of criminal offenses.

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

252. SOLAR ENERGY CONVERSION SYSTEM. Includes active, passive and photovoltaic solar systems placed on (a) structures to supply energy to that structure or accessory building.

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

254. SPECIAL DISTRICT means all entities established under authority of Title 17A, Utah Code Annotated, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

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

256. STABLE, PUBLIC. A detached accessory building where horses are boarded and/or kept for hire.

257. SLOPES. The change in elevation along a horizontal plane; rise over run in either foot/foot or percentage.

258. STORY, HALF. A partial story under a gable, hip, or gambrel roof, the wall plates of which are on at least 2 opposite exterior walls, do not extend more than 4 feet above the floor of such story, and the ceiling area of which does not exceed 2/3 of the floor area of the same half-story.

259. STREET means a right-of-way, that may include highways, avenues, boulevards, roads, lanes.

260. STREET (FRONTAGE). A street which is parallel to and adjacent to abutting properties.

261. STREET (HALF) A street where only half of the street is used.

262. STREET, STUB. A street that ends without an outlet to through traffic. It may be permanent or temporary. A cul-de-sac may be needed for long or lengthy stub streets.

263. **STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

264. **STRUCTURE.** Anything constructed, the use of which requires fixed location on the ground, and supports a building or other object. That which is built or constructed or a portion thereof.

265. **STUDENT HOUSING UNIT.** A housing unit designed specifically for students with associated living, sleeping, studying, bathing, and kitchen facilities in an integrated plan approved by the Planning Commission, and City Council.

266. **SUBDIVIDER (DEVELOPER).** Any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for themselves or others; a developer.

267. **SUBDIVISION (SEE ALSO DEVELOPMENT)** means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land. A subdivision includes:

1. the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
2. divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

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

269. **TECHNICAL REVIEW COMMITTEE.** The Mayor may designate and appoint the Zoning Administrator, City Engineer and Building Inspector to serve as advisors meeting as a Technical Review Committee to assist staff for the purpose of evaluating applications for Planning and Zoning Commission and City Council action.

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

271. **TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record occupying a building or portion thereof as a unit.

272. **TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

273. **TRADE OR VOCATIONAL SCHOOL.** Trade or Vocational School. A post high school educational or vocational training facility.

274. **TRANSITIONAL HOUSING FACILITY.** A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary

housing (usually three to twenty four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances.

275. **ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

276. **UNBUILDABLE LAND.** (as defined by the Planning Commission) is land with a slope greater than 25%, subject to inundation, geological hazards, flooding, rock fall, faults, wetlands or other hazards and environmentally sensitive areas. Unbuildable land may be mitigated through professional evaluation and recommendation from a soils engineer.

277. **UNINCORPORATED** means the area outside of the incorporated boundaries of cities and towns.

278. **URBAN SERVICES.** Those services normally associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, drinking water, sewage collection and treatment facilities, health and medical facilities and police and fire protection.

279. **VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from any space.

280. **VICINITY MAP (LOCATION MAP).** A map or drawing, not necessarily to scale, showing where a site, development, or other property is located in the City.

281. **WEED.** A plant that is not valued where it is growing and is usually of rank growth. A plant that tends to overgrow and choke out more desirable plants. The zoning administration shall determine

weed or plant (landscaping) status in the event of disagreement.

282. **WETLANDS.** Areas known as longstanding marshes, swamps, rivers that are naturally wet for most of the year and have unique vegetation and/or wildlife, or as regulated by the U.S. Army Corps of Engineers through the State Engineers office.

283. **WIND ENERGY CONVERSION SYSTEMS.** Includes structure and all apparatus to utilize wind to drive a generator.

284. **WORKMANLIKE.** Executed in a skilled manner; e.g. generally plumb, level, square in line, undamaged and without marring adjacent work.

285. **YARD.** Open space on a lot, area beyond the buildings situated on a lot. An open space on the same lot with a structure.

286. **YARD, FRONT.** A space on the same lot with a building, between the front line of the building foundation (not a porch) and the front lot line, and extending across the full width of the lot. On a corner lot there are two front yards, one side and one rear.

287. **YARD, REAR.** A space on the same lot with a building, between the rear line of the building foundation (not a patio) and the rear lot line, and extending the full width of the lot.

288. **ZONING ADMINISTRATOR.** The officially designated administrator of zoning related issues in East Carbon City, as appointed by the Mayor with the advice and consent of the City Council. The official, or any duly authorized representative or designee who is charged with the administration and enforcement of this Code and its Chapters.