

Elwood Town, Utah
Title 10 – Zoning Ordinance

CHAPTER 10.02
DEFINITIONS

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10.02.010 Purpose

The purpose of this chapter is to provide specific meanings for terms as they are used in this title and to facilitate the understanding and administration of the provisions of this title. Meanings shall apply to the singular or plural and to any tense of a verb. Definitions of pertinent terms provided in Utah Code Annotated are adopted as part of this title.

10.02.020 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Title. Words used in the present tense 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 directory, 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. Words used in this Title but not defined herein shall have the meaning as defined in any other title adopted by the local jurisdiction.

Alley. A public thoroughfare less than twenty-six feet wide.

Basement. A story partly underground and having at least one-half its height above the average level of the adjoining ground. A basement shall be counted as a story, for purposes of height measurement.

Boarding House. A building with not more than five guest rooms where, for compensation, meals are provided for at least five but not more than fifteen persons.

Building. Any structure other than a boundary wall or fence.

Building, Accessory. A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building, Detached. A building surrounded by open space on the same lot.

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

Building, Main. A building in which is conducted the principal use of the lot on which it is located.

Building, Public. A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its political subdivisions.

Carport, Private. A space not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

Car Wash, Laundry Type. A structure or portion thereof containing facilities for washing passenger automobiles, using production line methods, but not limited to, chain conveyor, movable or revolving cleaning brushes, blower, steam-cleaning, or similar mechanical devices.

Car Wash, Manual Spray. A structure or portion thereof containing facilities for washing passenger automobiles, limited to using only hand operated manual spray cleaning equipment and techniques.

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Cellar. A story having more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Cluster Subdivision. A subdivision of land in which the areas and widths of residential lots are reduced below the minimum lot areas and lot width requirements of the zone in which the subdivision is located and where equivalent common open space areas are provided to compensate for such lot reduction.

Condominium Project. A real estate condominium project where 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, is transferred; a plan or project whereby four or more apartments, rooms, office spaces, or other existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements of the "Condominium Ownership Act" of the State of Utah. Structures shall conform with all area, yard, frontage and height regulations of the zone district in which they are located.

Corral. An enclosure for animals, other than a building. This definition does not include agricultural pasture land.

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

Coverage, Lot. The percent of the lot area covered by the main and accessory buildings.

Dairy. A commercial establishment for the manufacture, processing, or sale of dairy products.

Day Care Center. Any building or structure other than an occupied residence furnishing care, supervision, and guidance for three or more children unaccompanied by parent or guardian for periods of less than twenty-four hours per day; or, an occupied residence which furnishes care, supervision, and guidance for six or more children unaccompanied by parent or guardian for periods of less than twenty-four hours per day. Occupied residence shall refer to being used as a residence by a family. The term "day care center" is inclusive of kindergartens, pre-schools, nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the Public School System.

Disabled Person. A person who has a severe, chronic disability attributable to a mental or physical impairment, or to a combination of mental and physical impairments which is likely to continue indefinitely or which result in a functional limitation in three or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self direction, capacity for independent living, economic self sufficiency, and who requires a combination or sequence of special interdisciplinary or generic care or treatment.

Driveway Approach. An approved access point for egress/ingress to a residential lot for which only one access point is permitted. Exception: circular driveways are allowed with the approval of the planning commission.

Dry Cleaner. An establishment which has as its sole purpose the cleansing of fabrics with substantially non-innocuous organic solvents. Laundry establishments with self-service, coin operated dry cleaning machines shall not be classified as a dry cleaner.

Dwelling. A building or portion thereof designed or used as the living quarters for one or more families.

Dwelling Unit Bachelor or Bachelorette. A dwelling unit designed or used to accommodate five or more unrelated persons. Each unit may or may not include cooking facilities.

Dwelling, Group. Two or more dwellings placed upon a single lot.

Dwelling, Multiple Family. A building arranged or designed to be occupied by three or more families.

Dwelling, Single Family. A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, Single Family Row House. A building built directly against an adjoining building without an open space between, and containing a one-family dwelling unit extending from basement to roof. Each single-family attached dwelling unit shall have a front and rear entrance. Each group of single-family attached dwellings shall be considered one structure, for purposes of front, rear and side yard requirements.

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Dwelling, Two-Family. A building arranged or designed to be occupied by two families, the structure having only two dwelling units.

Dwelling Unit. One or more rooms in a dwelling, apartment, hotel or apartment hotel designed for or occupied by one family for living, sleeping, and eating purposes. A dwelling unit may contain more than one set of kitchen facilities, whether temporary or permanent provided they are used only by members of the family occupying the dwelling unit or their non-paying guests. A dwelling unit may include up to two persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.

Educational Institution. A public elementary or secondary school, seminary, parochial school, or private educational institution having a curriculum similar to that ordinarily given in grades one through twelve in the public school system. The term educational institution for the purpose of this ordinance does not include post high school educational facilities.

Family. One or more persons related by blood, marriage, or adoption plus domestic servants employed for service on the premises, or a group of bachelor or bachelorettes of not more than four persons who need not be so related living together as a single nonprofit housekeeping unit.

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

Flag Lot. "Flag lot" means a flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.

Flood Plain. Land adjacent to a body of water which has been or may be hereafter covered by flood water as delineated on the Flood Hazard Boundary Map by the Federal Insurance Administration, H.U.D.

Flood Plain Overlay Zone. Boundaries of the Base Flood as identified by the Federal Insurance Administration, H.U.D. as set forth on the Flood Hazard Boundary Map (FHBM). The flood plain zone is designed to overlay or be superimposed over existing zoning within the defined flood plain. Within such an overlay zone, the existing zone remains effective with the additional conditions superimposed by the flood plain zone.

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

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

Fraternity or Sorority House. A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, and when acknowledged by such institution.

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

Garage, Private. An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit there in nor space therein for more than one car is leased to a non-resident of the premises. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common, and are connected structurally.

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

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

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Guest House. A separate dwelling structure located on a lot with one (1) or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

Home Occupation. The use of a portion of a dwelling as an office, studio or work room for small occupations which are customarily conducted in the home and which are clearly incidental and accessory to the primary use of the dwelling for living purposes and which also meet all the conditions and requirements of Article 20 of this ordinance.

- (1) the occupation is limited to members of the family who reside on the premises.
- (2) the occupation shall not require interior or exterior alterations;
- (3) the occupation shall not include the sale of commodities which are not produced on the premises;
- (4) the occupation shall not use any accessory building, yards or any space outside of the main building not normally associated with residential use;
- (5) the occupation may include child day care of not more than five children;
- (6) the occupation shall include the use of not more than 10% of the ground floor area of the home;
- (7) the occupation shall provide a part time service, consultation or emergency treatment but is not for the general practice of a profession, business, trade, or general service on a full time employment basis;
- (8) the occupation must be licensed by the Town.

Hotel. A building designed for or occupied as the more or less temporary abiding place of sixteen or more individuals who are, for compensation lodged, with or without meals.

Household Pets. Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats or canaries, but not including a sufficient number of dogs or cats to constitute a kennel, as defined in this Zoning Ordinance.

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

Kennel, Commercial. Means any place where six (6) or more dogs older than six (6) months are kept for the primary purpose of sale or for the boarding, care, or breeding of which a fee is charged or paid.

Kennel, Sportsman. Means a private kennel for three (3) to five (5) dogs for noncommercial use, which is located on a lot of least one acre.

Kindergarten. A school or class for children of the four to six age group.

Laundromat or Launderette. A self-service laundry establishment where clothes are cleansed in a coin operated machine. Laundromats or launderettes may include self-service, coin operated dry cleaning machines.

Land Use Application. Means an application required by Elwood Town's Land Use Ordinances.

Land Use Authority. Means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Land Use Ordinance. Means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Land Use Permit. Means a permit issued by a land use authority.

Legislative Body. Means the Elwood Town Council.

Licensed Family Group Child Care Provider. A child care provider who cares for nine (9) to sixteen (16) children unrelated to the licensee for less than 24 hours a day with a regularly scheduled, ongoing enrollment, for direct or indirect compensation in the provider's home, and who meets all standards and requirements of the State of Utah's rules for Licensed Family Child Care. Licensed Family Group Child Care shall be a Home Occupation subject to the approval of requirements of Chapter 29.20. Licensed Family Group Child Care providers shall obtain conditional use approval, approval of the State of Utah and a business license prior to operation. A conditional use approval for Licensed Family Group Child Care shall be issued to the applicant and shall expire upon lapsing of a business

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license or State of Utah license, or at such time that the applicant is no longer residing at the address at which approval is granted.

Lodging House. A building where lodging only is provided for compensation to five or more, but not exceeding fifteen persons, in contract to hotels.

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

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

Lot Depth. The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

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

Lot Frontage Required. The length of the front lot line, which is coterminous with the front street line.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, adjacent to the architectural front or main entry. The lot line, front shall be used for address designation.

Lot Line, Rear. Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.

Lot Line, Side. Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot, Restricted. A lot having an average slope of twenty-five (25) per cent or more or which does not contain a buildable area of at least seventy-five (75) feet by one hundred (100) feet with an average slope of less than fifteen (15) per cent, such lot being prohibited as a building site, or being required to be increased in area and width, and regulated and allowed to be developed only as required by the planning commission.

Lot Right-of-way. A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

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.

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

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

Map, Official. Any map adopted by the Town Council under the provisions of 17-27-7, Utah Code 1953 as amended.

Manufactured Home: A transportable, factory built housing unit constructed on or after June 15, 1976. According to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials acceptable to the City building codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Box Elder County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

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Mobile Home.

- A. A movable living unit designed to be transportable after fabrication on its own wheels, attached wheels, or low boy, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations a tub or shower bath, kitchen facilities, plumbing and electric connections provided for attachment to appropriate external systems. Pre-sectionalized, modular or prefabricated housing not placed on a permanent foundation shall be regarded as a mobile home whether or not such units meet the Town's building and housing codes.
- B. A mobile home as defined in the preceding paragraph which meets the Town's applicable building and housing codes and which is placed on a permanent foundation is controlled by the Zoning Ordinance and other applicable ordinances the same as dwelling units constructed in the conventional manner.

Mobile Home Park. A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

Motel. Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

Natural Waterways. Those areas, varying in width, along streams, creeks, gully, springs, or washes which are natural drainage channels as determined by the Zoning Administrator and in which areas no buildings shall be constructed.

Non-complying Building or Structure. Means a structure that:

1. Legally existed before its current land use designation; and
2. Because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Non-conforming Use. Means a use of land that:

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

Nonconforming Building. A building or structure or portion thereof lawfully existing at the time any applicable zoning regulations become effective, the design, erection, use, height, area and yard dimensions of which do not conform to the provisions of such regulation or regulations.

Nursery for Children. A building or structure where six or more children are regularly cared for during the day for compensations.

Open Green Space. An open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open green space may be traversed by necessary sidewalks and access rights of way.

Open Space Easement. An easement granted to the Town by the owner developer on and over land in that development which provides and guarantees that the designated common open space and recreation land is permanently reserved for and can be used only for open space and recreation purposes in accordance with the plans and specifications approved by the Planning Commission and Town Council at the time of approval of the development.

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

Parking Space. Space within building, lot or parking lot for parking or storage of one automobile with direct and unblockable access to a driveway.

Pasture. means an area of property whereon forage for the type of livestock being grazed or otherwise confined is sustained over the entire area on a continual basis except for when the pasture is being rotated, plowed or replanted.

Paying Guest. Any person hiring a room in a dwelling unit for living, eating or sleeping purposes.

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Pharmacy. A business selling health or treatment items including baby food and diet supplements and dispensing prescriptions for medical or health purposes and including and limited to candies, soft drinks, prepackaged ice cream products not prepared on the premises, tobacco products, magazines and greeting cards.

Planned Residential Unit Development (PRUD). A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.

Planning Commission. The Planning Commission of the Town of Elwood, Utah.

Post Office, Limited Service. A post office operation providing services normally permitted and/or required by contract with the U.S. Postal Service.

Recreational Coach. A vehicle such as a recreational trailer, tent, camper trailer, truck camper, travel trailer, camp car, other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, designed for the use of human habitation.

Recreational Coach Park. Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or uses of recreational coaches for a temporary time not to exceed two weeks.

Residential Facility for Disabled Persons. A single-family dwelling structure that is occupied on a twenty-four-hour-per-day basis by four or fewer disabled persons in a family type arrangement under the supervision of a maximum of two house parents or a manager, for a total of not more than six individuals living in a facility.

Sensitive Area. Lands containing environmentally and geologically sensitive elements which if encroached upon by unsuspecting urban land development such as utilities, housing, streets, and/or public facilities, could be damaged beyond repairability or could cause severe damage to such urban development or cause complete destruction thereof or cause loss of life or bodily harm. Such sensitive areas could include active earthquake faults, potential landslide areas, steep unstable terrain, or areas of potential rock fall.

Sensitive Vegetation. Vegetative cover which can be harmed by compaction from overuse, urban development, or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing severe retardation of growth or elimination of a particular variety of vegetative species.

Sensitive Wildlife Habitat. Wildlife habitat which provides an environmental biosphere critical to the well-being and perpetuance of certain species of wildlife, particularly if encroached upon by urban related development. It is specifically related to the elimination of a limited habitat and its related wildlife.

Sign. Any advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space placed, erected, or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product, or service, and visible from outdoors. The definition of sign shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

Sign Area, Cumulative. The cumulative area for all signs on a building for building-mounted signs, and in addition, the cumulative area of all free-standing signs on a site.

Sign Area. For signs that have a frame or a separate background, the area of a sign that is used for writing, representation, emblem or other display purposes located within the area of the frame or separate background containing the display, excluding the structural supporting framework, bracing or wall provided such wall meets zoning ordinance regulations and is clearly incidental to the display itself. In computing sign area, only one side of a back-to-back or double face sign shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than thirty degrees (30°). For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a low profile sign is mounted on a base rising a maximum of three feet and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located, the area of the base shall not be included in the calculation of sign area.

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Sign Height. The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. When a low profile sign is mounted on a base rising a maximum of three feet and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located, the height of the base shall not be included in the calculation of sign height.

Sign, Abandoned. Any sign applicable to a use that has been discontinued for a period of three (3) or more months.

Sign, Animated. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene. Such motion does not refer to methods of changing copy.

Sign, Awning. Any sign painted on, attached to, or otherwise incorporated into an awning.

Sign, Bus Bench. Any sign incorporated into the design and/or construction of a bench providing seating for users of a public transportation system.

Sign, Business. A sign which directs attention to a use conducted, a commodity sold, or service performed on the premise.

Sign, Cabinet. A sign consisting of a frame, usually but not necessarily consisting of metal, containing or covered by transparent, translucent, or opaque material that includes the sign copy.

Sign, Canopy. Any sign painted on, attached to, or otherwise incorporated into a canopy.

Sign, Changeable Copy. A sign that is characterized by graphical content that can be changed or altered through manual, mechanical or electronic means.

Sign, Construction. A temporary sign placed on a site identifying a new development, the project contractor, builder, and/or institution providing financing for the project. Construction Signs may include a plat map, Project Marketing Sign and real estate information.

Sign, Directional/Informational (Off-Premise). Signs that serve as directional guides for vehicular or pedestrian traffic to (a) recognized areas of regional importance and patronage including: 1) recreational and entertainment centers of recognized regional significance; 2) religious, civic, or fraternal organizations; 3) historical landmarks, churches, schools, community centers, hospitals, parks or other such sites; 4) public safety, municipal directional, parking and essential services or (b) businesses or uses that are located on premises other than that upon which the sign is located.

Sign, Directional/Informational (On-Premise). A sign guiding or directing vehicular or pedestrian traffic, and including instructions, e.g., parking or exit and entrance signs, and which may contain the name and/or logo of an establishment.

Sign, Directory. An identification sign, located on or off the premise to direct vehicular or pedestrian traffic, that contains the name of a building, complex, or center, and name and address of two (2) or more businesses, being part of the same sign structure, or interior to the building and visible from the outdoors.

Sign, Electric Awning. Any fireproof space frame structure with translucent flexible reinforced vinyl covering cosigned in awning form, which may include signage. Such awnings are internally illuminated by fluorescent or other light sources in fixtures approved under currently adopted State building codes.

Sign, Externally Illuminated. Any sign that has characters, letters, figures, designs or outlines illuminated by a light source located outside of the sign.

Sign, Flashing. A sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

Sign, Flat. A sign erected parallel to and attached to the outside wall of a building or structure, and which does not project horizontally more than twenty-four inches (24") from such building or structure with messages or copy on the face side only.

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Sign, Free-Standing. A sign supported upon the ground and not attached to any building or wall. Freestanding signs include high profile and low profile signs.

Sign, High Profile. An on-premise free-standing sign higher than 6 feet (6') that is supported by one or more upright members or poles and not attached or braced by any other structure.

Sign, Identification. A sign that identifies primarily the name and/or logo and/or address of a commercial, industrial or condominium complex and the owner and tenants thereof. Identification signs may also contain information pertaining to the goods or services offered by the commercial, industrial or condominium complex; however, such information shall be secondary in appearance and area to the primary function of identification.

Sign, Internally Illuminated. Any sign that has characters, letters, figures, designs or outlines illuminated by a light source located inside of the sign.

Sign, Low Profile. Any free-standing sign having a maximum height of six feet (6') from final grade, or six feet (6') from the top of the base upon which it is constructed, which is incorporated into a landscape (2 Ordinance 03-11, dated April 4, 2003) design theme or planter box. Low profile signs may be mounted on a base rising a maximum of three feet (3') and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located.

Sign, Marquee. Any sign attached to or made an integral part of a marquee.

Sign, Mobile. means an on-premise sign having a medium to heavy frame that is not permanently affixed to the ground. Such signs include those commonly called "A" frame, pedestal, trailer, etc.

Sign, Name Plate. A sign indicating the name of a person or persons residing on the premises.

Sign, Non-conforming. Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Title and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Title.

Sign, Off-Premise. Any sign that directs attention to a use, product, commodity or service not related to the premises on which the sign is located.

Sign, On-Premise. Any sign that directs attention to a use conducted, product, or commodity sold, or service performed upon the premises on which the sign is located, or to which it is affixed.

Sign, Permanent. Any sign or advertising display constructed of durable materials, usually intended to be displayed out of doors as a principal means of identification or advertisement for an indefinite period of time.

Sign, Political. A temporary sign on or off premises, announcing, promoting, or drawing attention to any candidate(s) seeking public office in a forthcoming election; or signs advocating political issues to be voted upon at any special or general election.

Sign, Project Marketing. A temporary sign advertising the availability of a project under construction or recently completed for sale, rental or lease. A Project Marketing Sign shall be located on the property to which it pertains.

Sign, Projecting. Any sign attached perpendicular to a building or other structure and extending in whole or in part more than twelve inches (12") beyond any wall of the buildings or structures.

Sign, Real Estate. A temporary sign advertising an open house, or the sale, or availability for rental or lease, of the property on which the sign is located, or a sign located off-premise and directing customers to an open house for property for sale, rental or lease. This definition does not include Construction or Project marketing signs.

Sign, Temporary. Any sign, banner, pennant, valance, inflatable or advertising display constructed of plastic, vinyl, paper, cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without light frames, usually intended to be displayed out of doors for an event which spans a short period of time.

Sign, Wall. A sign that is either painted on a wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing, or consists of flat, individually constructed letters.

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Sign, Window. Any sign either attached to a window or door or located within a building so as to be visible through a window or door by people outside of the building. This term does not include merchandise displays.

Sign, Yard Sale. A temporary sign that announces a yard sale, garage sale, or similar event on a property.

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

Stable, Public. A stable other than a private stable.

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

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

Street. A public thoroughfare, dedicated, abandoned, or condemned for public use prior to the initial enactment of the Zoning Ordinance, which affords the principal means of access of abutting property and is more than twenty-six feet wide, and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.

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

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

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

Swimming Pool, Family. A swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it without payment of any fee or consideration.

Tavern. Any business establishment operating under a Class "C" beer license. Such establishments shall be limited in number to two per lineal block.

Theater, Indoor Picture. A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

Theater, Outdoor Drive-In. An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles.

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

Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.

Use, Conditional. A use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in Article 7 of this Zoning Ordinance intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

Use, Permitted. Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.

Use, Temporary.

Width of Lot. The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

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

Yard, Front. An open space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. On corner lots, the front yard shall be that part of the lot between the principal or entrance side of the building and the street line parallel thereto. The principal side of a building shall be that side with the greater number of entrances or the longer side, as designated by the Building Inspector. If there are an equal number of entrances or sides of equal length, either side may be designated as the principal side.

Yard, Rear. An open, unoccupied space on the same lot with a building between the rearline of the building (exclusive of steps) and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the main building.

Yard, Side. An open, unoccupied space on the same lot with a building, between the side line of the building, (exclusive of steps) and the side lot line and extending from the front yard to the rear yard. The width of the side yard is the minimum distance between the nearest part of the side lot line and the nearest part of the side line of the building. The side yard shall remain unoccupied of slabs, and hard surface improvements (vehicle storage not permitted). The intent of the side yard is to be a landscaped buffer between neighboring properties and uses.

Zone. The geographical area of the Town within which the zoning regulations are uniform.

Zoning Ordinance. The Zoning Ordinance of the Town of Elwood, Utah.

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