

CHAPTER 2 DEFINITIONS

The words and terms defined in this Chapter shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in the City Ordinances shall be construed as termed therein. The word “shall” is mandatory.

ABANDONED SIGN. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ACCESSORY BUILDING. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no *kitchen* facilities and not rented or otherwise used as a separate *sleeping unit*.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

AGENT. Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

AGRICULTURE. The tilling of the soil, raising of crops, *farm animals*, *livestock*, horticulture, gardening, beekeeping and aquaculture.

ALLEY. A public access-way or thoroughfare more than 8 ft. (2438 mm), but less than 20 feet (6096 mm) in width, which is dedicated or deeded to the public for public use and is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purpose of this Ordinance.

ALTERATION. Any change, addition or modification in construction, occupancy or use.



AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

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 service is provided or is available.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

APPROVED. Means acceptable to the authority having jurisdiction.

APPURTENANCES. Appendages and incidental details on buildings are to be allowed such as building projections, coverings for mechanical equipment, etc.

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, but does not include signs.

AUTHORITY HAVING JURISDICTION. The individual, organization, agency, or its authorized representative of the political subdivision (State, County or Municipality) charged by law with the duty to enforce the provisions of this standard and responsible for approving a design, an installation or a procedure.

AUTOMOBILE REPAIR FACILITY OR SERVICE STATION. A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and repair services performed may include tube and tire repair, battery charging, storage of merchandise, and tune-up of automobiles, including major auto repair.

AUTOMOBILE 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.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.



AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SALVAGE YARD (AUTOMOBILE WRECKING OR PROCESSING YARD). A lot or portion thereof used for the storage, dismantling, demolition, or abandonment, other vehicles, other machinery, or parts thereof.

AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to

offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free standing automatic car wash.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

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.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER SIGN. A Sign made of fabric or any non rigid material with no enclosing framework that may be displayed on a flexible substrate.

BASEMENT. Any floor level below the first *story* in a building, except that a floor level in a building having only one floor level shall be classified as a *basement* unless such floor level qualifies as a first *story* as defined herein.

BILLBOARD. See “Off-premise sign” and “Outdoor advertising sign.”

BOARDING HOUSE. A building with not more than five (5) guest rooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY. A building which is subordinate to, and the use of which is incidental to that of the main building or use of the same lot.

BUILDING CODE. The *International Building Code* promulgated by the International Code Council, as adopted by the Wendover City Council.

BUILDING, DETACHED. A building surrounded by open space on the same lot.

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING HEIGHT. The vertical distance above the average existing *grade* measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUILDING, MAIN. A building in which is conducted the principal use of the lot which it is located.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the building code currently in place or a duly authorized representative appointed as the Building Official for the City of Wendover, Utah by the Wendover City Council.



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.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction. Building is required to meet all safety requirements.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CAMPING. A temporary establishment of living facilities such as tents or recreational coaches as regulated by this Code.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the *canopy* placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CANOPY (ATTACHED). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

CANOPY (BUILDING). A rigid multi-sided structure that may or may not be illuminated by means of internal or external sources, covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

CANOPY (FREESTANDING). A rigid multi-sided structure that may or may not be illuminated by means of internal or external sources, covered with fabric, metal or other material and supported by columns or posts embedded in the ground.



CANOPY SIGN. A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

CAR WASH, AUTOMATIC. A facility, or portion of, for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding 1 & 1/2 tons capacity.

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.

CARPORT. A private garage not completely enclosed by walls or floors. For the purposes of this Code, a carport shall be subject to all the regulations prescribed for a private garage.

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

CHANGEABLE COPY PANEL. A sign panel which is characterized by changeable copy, regardless of method of attachment.

CHANGEABLE SIGN. A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

- (a) Manually Activated - Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- (b) Electrically activated - signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - 1. Fixed Message Electronic Signs - Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 - 2. Computer Controlled Message Electronic Signs - Signs whose informational content can be changed or altered by means of computerized driven electronic impulses.
- (c) Mobile, Changeable Copy Sign - A sign mounted on a trailer, frame or legs, lighted or unlighted, box or "A" frame and shall have changeable lettering.

CHURCH. A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship and religious instruction.

CITY COUNCIL. The elected legislative body of Wendover City

CLEAR VIEW ZONE. The area of a corner lot closest to the intersection which is kept free of impairment to allow full view of both pedestrian and vehicular traffic. Such area is established by marking a point at which the two curb lines intersect, measuring back forty (40) feet along each street, and drawing a line between the two back points to form a triangular area.

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 professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.



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, and which for that reason is required to be licensed by the State.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *community commercial center* shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *convenience commercial center* shall provide a small cluster of convenience shops or services.

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT. An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL STORAGE SHEDS. A facility that rents indoor storage spaces which do not exceed 20 x 15 in size that are enclosed in a structure with one or more units, and/or outdoor storage space (RV storage, boat storage, etc.).

COMMUNITY MANAGEMENT. The person who owns a manufactured (mobile) home development or has charge, care or control of a manufactured (mobile) home community.

COMPREHENSIVE PLAN. (See General Plan).

CONDITIONAL USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM. A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A *congregate residence* shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

CONSTRUCTION SIGN. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

CONVENIENCE STORE. A commercial retail operation designed and stocked to sell primarily food, beverages, limited variety of goods for personal consumption, and other household supplies to retail customers who purchase only a relatively few items as well as gasoline and car care items.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

COPY, SIGN. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

CORRAL. A space, other than a building, less than one acre in area or less than 100 feet in width, used for the confinement of animals or fowl.

COUNTY. The unincorporated area of Tooele County.

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.

CROSSWALK OR WALKWAY. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

CULINARY WATER FACILITIES. Water supply lines, pumps, springs, wells, and/or any other physical facilities necessary to provide a supply of culinary water to a use in sufficient quantity and of approved quality to meet the standards of State of Utah Rules for Public Drinking Water Systems and this Code.

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

DAY CARE CENTER. A building or structure where six (6) or more children are regularly cared for during the day for compensation, other than for members of the family residing on the premises, but not including a public school.

DAY CARE, FAMILY. The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.



DAY CARE, GROUP. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

DENSITY. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DESIGN, SUBDIVISION. The design includes: alignment, grade and width for easements and rights-of-way for utilities; the grading and general layout of lots and streets within the area; location of land to be dedicated for park and/or recreational purposes; and, such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans.

DEVELOPER. Any person, firm, partnership, corporation or association who causes improvements to be constructed, land use to be changed, or land to be subdivided for himself/herself or others.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

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, P.U.D., manufactured (mobile) home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

DIAGONAL TIE. Any tie down designed to resist horizontal or shear forces and which deviates not less than 30 degrees from a vertical direction.

DIRECTION/INFORMATION SIGN. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment, but no advertising copy, e.g., parking or exit and entrance signs. may contain logo provided that the logo may not comprise more than 20% of the total sign area. May include information about

sales of agricultural products produced upon the premises.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DISTRICT (ALSO ZONE OR ZONING DISTRICT). A portion of the territory of Wendover 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.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

DRIVEWAY. A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

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



DUPLEX. (See TWIN HOME DWELLINGS and TWIN COMMERCIAL UNITS)

DWELLING. Any building or portion thereof designed or used as the principal residence of sleeping place of one or more persons or families, but not including a tent, a recreational coach, hotel, motel, hospital, or nursing home.

DWELLING, FOUR FAMILY (FOUR-PLEX). A building containing only four dwelling units.

DWELLING GROUP. Two (2) or more dwellings placed upon a single lot of which ownership of the dwellings and the lot are held by the same owner and managed as such unless otherwise allowed under the provisions of the Condominium Ownership Act.

DWELLING, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.



DWELLING, SINGLE FAMILY. A detached *dwelling unit* with *kitchen* and sleeping facilities, designed for occupancy by one family.

DWELLING, THREE FAMILY (TRIPLEX). A building containing only three dwelling units.

DWELLING, TWO FAMILY. A building designed or arranged to be occupied by two families living independently, with 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 or other portable cooking units, 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 (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or operation of law, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit.

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

ELECTRIC AWNING SIGN. (also “Back Lit Awning”). An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRICAL SIGN. A sign or sign-structure in which electrical wiring, connection, or fixtures are used.

ELECTRONIC MESSAGE CENTER. (see “Changeable Signs, Electrically Activated”)

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed.

ENFORCING AGENCY. The health authority or other agencies of the State or the political subdivision charged by law with the duty to enforce the provisions of the regulations set forth in this Ordinance.

ESSENTIAL FACILITIES. Those facilities which are common to the community and essential for servicing the residents and businesses; utilities, radio and television stations (transmitting only), cable TV, sanitation, health and public safety for overhead, surface or underground services, and such other necessary uses as may be approved by the City Council by resolution, but excluding any building, electrical sub-station, or transmission line of 50 kv or greater capacity.

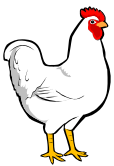
EXCAVATION. Any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes; whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located, in addition to a conditional use permit if such is required.

EXTERIOR SIGN. Any sign placed outside a building.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FACADE. The entire building front including the parapet. Any building elevation facing a public way.

FAMILY FOOD PRODUCTION. The raising of animals for family food, not to be sold for monetary gain.



FARM ANIMALS. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. *Farm animals* are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FASCIA SIGN. See “Wall or fascia sign,”

FENCE. A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage and provided visual sectioning of spaces.

FENCE, SECURITY. A fence that is a barrier blocking the passage and view across a fence line. Usually a privacy fence, slatted chain link fence, or a wall, etc.

FESTOONS (SIGN). A string of ribbons, tinsel, small flags, or pinwheels.

FINAL PLAT. 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.

FIRE FIGHTING FACILITIES. Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this Code.

FLASHING SIGN. See “Animated sign, electrically activated.”

FLOOD PLAIN. Areas adjoining any streams, 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 anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.



FLOOR AREA. The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, solar green houses and/or other solar equipment appurtenant to a solar energy system, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Code, or any such floor space intended and designed for accessory heating and ventilating equipment.

FLOOR AREA, GROSS. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

FLOOR AREA, NET. The *gross floor area* exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FLOOR-LOT AREA RATIO. The total floor area of a building divided by the area of the lot on which it is located.

FREESTANDING SIGN. A sign supported permanently upon the ground by poles or braces and not attached to any building.

FRONT YARD SETBACK. That part of a lot that fronts a public or private street, road or highway, extending the full width of the lot, which is between the front property line and a building. The depth of the front yard is measured from the front property line to the front of the eaves or the front line of the building whichever is closer to the front lot line. Unenclosed stoops (porches) no larger than four (4) feet in depth is not considered the front line of a building.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

FRONTAGE (BUILDING). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE, LOT. The lineal measurement of the front lot line.

FRONTAGE (PROPERTY). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.



GARAGE. PRIVATE. An enclosed space or accessory building for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a 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, or are connected structurally by a physical connection such as a wall, trellis or solid fence.

GARAGE, PUBLIC. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

GARAGE, REPAIR. A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care washing, or sale of automobiles.

GENERAL PLAN. A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within Wendover City. General Plan also includes what is commonly referred to as a “Master Plan,” or “Comprehensive plan.”

GOVERNING BODY. The City Council for the City of Wendover, Utah.

GOVERNMENT SIGN. Any temporary or permanent sign erected and maintained by the City, County, State, or Federal government for traffic direction, or designation to any school, hospital, historical site, or public service property, or facility.

GRADE. The average level of the finished surface or the ground adjacent to the exterior walls of those buildings more than five (5) feet from a street line. For buildings closer than five (5) 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 City Engineer may establish the grade.

GROUND ANCHOR. Any device at the manufactured (mobile) home stand designed for the purpose of securing a manufactured (mobile) home to the ground.

GROUND SIGN. See “Free-standing sign.”

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, *family day care* homes, foster homes, schools, hospitals, jails or prisons.

GROUP HOMES. A home for certain handicapped or elderly persons as defined by Utah State law as being permitted in residential areas of Wendover City by conditional use permit.

GUEST HOUSE. A separate dwelling structure located on a lot with one 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. Guest house dwelling must be owned in common with the land.

HABITABLE SPACE (Room). Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered *habitable space*.

HEALTH AUTHORITY. The State Department of Health or its authorized representative.

HEIGHT (of a Sign). The vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (compare “Clearance”)

HOME OCCUPATION. The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.



HOTEL. A building designed for or occupied as the more or less temporary abiding place, for compensation lodged with or without meals.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house and kept for company or pleasure.

HOUSING: Living units, habitable rooms and/or other structures that shelter or cover.

IDENTIFICATION SIGN. A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

ILLEGAL SIGN. A sign which does not meet the requirements of this code and which has not received non-conforming status.

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

IMPERVIOUS SURFACE. Impervious surfaces are those that do not absorb precipitation (water) and thus causing a body of water 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 city engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

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 Base Site Area.

IMPOUND/SECURITY LOT. A security lot fenced with or without guard dog and illuminated, where police or privately impounded vehicles may be kept for legal evidence or other purposes or while awaiting repairs. Normally where damaged vehicles are taken after an accident.

IMPROVEMENTS. Work, objects, devices, facilities, or utilities required to be constructed or installed in a land development. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, 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.

IMPROVEMENTS AGREEMENT. An agreement between Wendover City and a developer, wherein the developer agrees to install 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.

INCIDENTAL SIGN. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

INDUSTRIAL OR RESEARCH PARK. A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

INOPERATIVE VEHICLE OR TRAILER. Any vehicle or trailer that due to mechanical, electrical, structural problems, or lack of maintenance, cannot operate as it was originally constructed and designed to do or should not be operated due to conditions rendering it as unsafe. This includes any vehicle or trailer that is not currently licensed or which its operation is in violation of local, state and federal laws.

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. Agreed upon penalties for violations of the management plan are considered an important integral part of enforcement.

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

INTERNATIONAL BUILDING CODE (I.B.C.). The current edition of the International Building Code put forth by the International Code Council (ICC) as adopted by the City of Wendover, Utah.



JUNK. Any salvaged or scrap copper, brass, iron steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste, or other articles or materials commonly designed as junk. Junk shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered as 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.

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 incidental to and accessory to any agricultural use permitted in the zone.

JURISDICTION. As used in this code, *jurisdiction* is any political subdivision that adopts this code for administrative regulations within its sphere of authority.

KENNEL. The land or building used for the keeping of four (4) or more dogs or cats at least four (4) months old.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LAND, AGRICULTURAL. Land used for bona fide agricultural purposes.

LAND, COMMERCIAL. Land used for bona fide commercial purposes, or which is projected for commercial use by the master plan or the zoning ordinance adopted by Wendover City, except legally existing non conforming uses in areas designated commercial in such ordinance.

LAND DEVELOPMENT STANDARDS. Adopted construction standards, including but not limited to: drawings, tables, charts and references which have been adopted by the City Council by resolution and which set standards for the construction of improvements to land and which regulate said construction of improvements to land.

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 Wendover City, except legally existing non conforming uses in areas designated industrial in such ordinance.

LAND USE INTENSITY. The degree to which land is used by man ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by: type of use (i.e., agricultural, residential, commercial or industrial; period of use in average hours per day; numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and the percent of the land covered by man-made structures.



LANDSCAPING. The finishing and adornment of unpaved *yard* areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LATERAL SEWER. A sewer which discharges into another sewer and has only sewer inlets from buildings and structures tributary into it.

LAUNDROMAT OR LAUNDERETTE. A self-service laundry establishment where clothes are cleansed in a coin-operated machine. Laundromats or laundrettes may include self- service, coin operated dry cleaning machines.

LEGISLATIVE BODY. The political entity of the adopting jurisdiction.

LIGHT MANUFACTURING. Only those processes which clearly do not threaten the natural environment with any more pollution than that normally experienced in 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 warehouses or storage facilities to accommodate the in-house manufactured items with their associated stocks of supplies area allowed.

LIGHT VEHICLE OR EQUIPMENT MAINTENANCE. The performance of routine maintenance tasks such as: changing the oil, checking tire pressure, replacing water hoses, etc., which do not involve the removal, repair or replacement of major mechanical, electrical, hydraulic, pneumatic, or components of the vehicle.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals raised or kept for profit.

LODGING HOUSE. A building where lodging only is provided for compensation to five (5) or more, but not exceeding fifteen (15) persons, in contrast to hotels.

LOT. A single parcel of land.

LOT AREA. The area contained within the property lines of the individual parcels of land shown on a subdivision plat or required by this Code, excluding any area within an existing street right-of-way, or any area required as open space under this Code, and including the area of any easements.

LOT AREA PER DWELLING UNIT, AVERAGE. The average lot area for all dwelling units of a single type. 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.

LOT, CORNER. A lot abutting upon 2 or more streets at the 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 135 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 FRONTAGE. The length, in feet, of the front lot line which is co-terminus with the front street line.

LOT HELD IN SEPARATE OWNERSHIP. Shall mean all contiguous land held in one ownership at the time of the passage of this Code.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, LEGAL NON-CONFORMING. A lot which was legally created prior to the adoption of this Code.

LOT LINE, FRONT. For an interior lot, the lot line adjoining the street, for a corner lot or through lot, each lot line adjoining a street.

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 10 feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the zoning administrator shall designate the rear lot line.

LOT LINES. The property lines bounding the lot.

LOT, RESTRICTED. A lot having an average slope of 15 percent or more; a lot which does not contain at least 75 feet by 100 feet, or the minimum size of a lot permitted in the zoning district where located, with an average slope of less than 15 percent; and/or a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site, has a slope of 15 percent or greater; or a lot subject to geologic hazards.

LOT, UNRESTRICTED. A lot having an average slope of less than 15 percent and containing a buildable area of at least 75 feet by one 100 feet, or the minimum size of a lot permitted in the zoning district in which it is located, with an average slope of less than 15 percent, or as a buildable area designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than 15 percent.

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.

LOW PROFILE SIGN (ALSO “MONUMENT SIGN”). A sign mounted directly to the ground with maximum height not to exceed seven (7) feet.

MAIN USE OR BUILDING. The principal use which will occur on a lot or the principal structure to be used by the principal use on a lot, to which all other uses and structures are necessary.

MAINTAIN. Includes, but is not limited to the following: service, repair, alter, remodel, re-letter, redecorate, repaint, move, or remove. It does not include the removal of signs by a licensed wrecking contractor. Owner or lessee of sign may repaint, redecorate, and/or change letters or panels on his/her own sign.

MAINTENANCE, SIGN. For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MANSARD. A sloped roof or roof-like facade architecturally comparable to a building wall.

MANUFACTURED (MOBILE) HOME LOT. A space designed and approved by Wendover City for occupancy by manufactured (mobile) homes, and meeting all requirements of this Code.

MANUFACTURED (MOBILE) HOME PARK. A parcel of land that has been planned and improved for the placement of manufactured (mobile) homes for non-transient use and consisting of two or more manufactured (mobile) 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 (mobile) home parks.

MANUFACTURED (MOBILE) HOME SPACE. A space within a mobile home park designed and to be used for the accommodation of a manufactured (mobile) home.

MANUFACTURED (MOBILE) HOME STAND. That part of the mobile home space, which has been reserved for the placement of the manufactured (mobile) home and its appurtenant structures or additions.

MANUFACTURED (MOBILE) HOME SUBDIVISION. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by manufactured (mobile) homes.

MANUFACTURED HOUSING. A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode is eight (8) body feet or more in width, or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of *light manufacturing* and *medium manufacturing*.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open *yard* that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MARQUEE. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (compare “Awning” and “Canopy (attached)”)

MARQUEE SIGN. Any sign attached to or supported by a marquee structure. Compare *Canopy*.

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MOBILE HOME. A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to Federal Manufacturing Housing and Safety Standards Act (HUD Code). A mobile home as defined in the preceding paragraph which meets the City's applicable building and housing codes and which is placed on a permanent foundation as controlled by the zoning ordinance and other applicable ordinances the same as dwelling units constructed in the conventional manner.

MODULAR UNIT. A structure built from sections, which are manufactured in accordance with the construction standards adopted pursuant to the Utah Code and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

MONUMENT SIGN. (see “Low Profile Sign”).

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

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 motoring public.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

MUNICIPALITY. Means Wendover City, other cities or a town.

NATURAL WATERWAYS. Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels as determined by the Chief Building Official and in which areas no buildings shall be constructed.

NIGHTCLUB. A place of entertainment open all night usually serving food and liquor or, having a floor show, and providing music and space for dancing.

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, or yard dimensions of which do not conform to the provisions of such regulations.

NONCONFORMING LOT. A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

NON CONFORMING SIGN.

- a) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

- b) A sign which does not conform to the sign code requirements, but for which a conditional use permit has been issued.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. See “Use, nonconforming.”

OCCUPANCY. The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

OFFICIAL MAP. A map of proposed streets that has the legal effect of prohibiting development of the property until the City develops the proposed street as adopted by the City Council.

OFF-PREMISE SIGN (also “BILLBOARD”). A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”



OFF-PREMISE SIGN. See “Outdoor advertising sign.”

OFF-SITE DIRECTIONAL SIGN. A sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Zoning Administrator in size, height, and placement as justified.

OFF-STREET PARKING SPACE. The space required to park passenger vehicle, which space shall meet the requirement of this Code.

OFF-SITE IMPROVEMENTS. Improvements not on individual lots but generally within right-of-way and the boundaries of the development which they serve, and as further outlined in this Code.

ON-SITE IMPROVEMENTS. Construction or placement of the main building, and its appurtenant improvements on a lot.

ON-PREMISE SIGN. A sign which pertains to the use; product or commodity sold; service performed on the premise and/or property on which it is located.

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.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. *Open space* shall be permitted to be devoted to *landscaping*, preservation of natural features, patios, and recreational areas and facilities.

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

- a) The open space shall be open to the sky or shall be open to view on at least two sides.

- b) The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.
- c) If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the building inspector to assure reasonably safe usage by the children and adults.
- d) The space shall not be provided from any required front or side yard, parking area, or driveway space.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OWNER. The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, guarantor, assignees, or successors in interest.

OVERHANGING SIGN. (see “Mansard, Roof Sign”).

PAINTED WALL SIGN. Any sign which is applied with paint or similar substance on the surface of a wall.

PARAPET. The extension of a building facade above the line of the structural roof.

PARCEL OF LAND. A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT. An open area, other than a street, used for the parking of automobiles.

PARKING SPACE. Space within a building, lot or parking lot for parking or storage of one (1) automobile.



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.

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

PEDESTAL SIGN. A temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

PEDESTRIAN-WAY (WALKWAY OR CROSS-WALK). 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.

PERMANENT MONUMENT. Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the City of Wendover for permanent monuments.

PERMITTED USE. A use of land, which is allowed within a particular district without the necessity of obtaining a conditional use permit.

PERSON. A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLANNED UNIT DEVELOPMENT (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLANNING COMMISSION. The Planning Commission of the City of Wendover, Utah.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

POLE COVER (SIGN). Cover enclosing or decorating poles or other structural supports of a sign.

POLE SIGN. See “Free-standing sign.”

POLITICAL SIGN. A temporary sign used in connection with a local, state, or national election or referendum.

POOLS (SWIMMING), HOT TUBS AND SPAS.

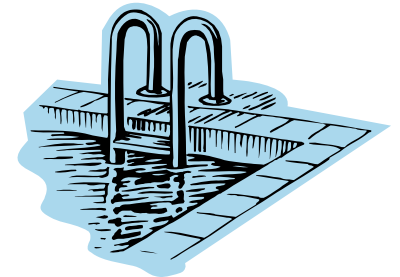
Above-ground/on-ground pool. See “Private swimming pool.”

Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See “Private swimming pool.”

In-ground pool. See “Private swimming pool.”

Power safety cover. A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.



Private swimming pool. Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

Private swimming pool, indoor. Any private *swimming pool* that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool.

Public swimming pool. Any swimming pool other than a private swimming pool.

Spa. See “Private swimming pool.”

PORTABLE SIGN. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PREFABRICATED HOUSING. See *Modular Home*.

PREMISES. A parcel of land with its appurtenances and buildings which, because of its unit of use, may be regarded as the smallest conveyable unit of real estate for that zoning district.

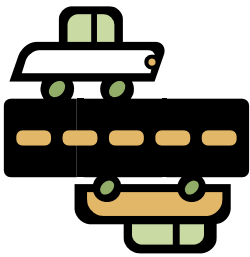
PRELIMINARY PLAT. A drawing, to scale, representing a proposal to subdivide a tract, lot or parcel of land, and meeting the preliminary plat requirement of this ordinance.

PRE-SECTIONED HOME. See “*Modular Unit*”

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.

PRIVATE DRIVE. Non-dedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.

PRIVATE STREET. A privately owned way or lane, which affords the principal means of access to property. A private street which serves up to two (2) dwelling units shall have a right of way width of not less than 30 feet and shall be constructed and maintained with an all weather dustless surface that meets the specifications of the City for a standard residential street section, except that the base course need only be 20 feet wide with a slope or crown of 2 to 4%, no bituminous surface course need be applied and said street shall have a shoulder v-ditch with a slope of 6 to 8%. Private streets that serve more than two dwelling units or any business activity shall be constructed and maintained according to the City standards and specifications for a “standard residential street.” Any private street that is longer than 150 feet shall have a cul-de-sac or hammerhead at the end thereof. The dimensions or layout of any required cul-de-sac or hammerhead shall comply with City’s standards and specifications for public cul-de-sac or the minimum specifications of the current International Fire Code for hammerheads. The developer or owner(s) of a private street shall place a street sign at the intersection of the private street and all public streets, indicating the name of the private street, the north or east coordinate and that the street is a “private street.” The location and specifications for the private street sign shall be determined by the City Public Works Director.



PROCESS OR PROCESSING. The act, business or procedure of taking raw, extracted or preprocessed material and adding to or taking away from it, to produce a product that is purer, used, marketed, or uniquely different than the original raw material or product before the procedure was enacted.

PROFESSIONAL TEAM, QUALIFIED. An individual(s) qualified by virtue of training, experience, state licensing where appropriate and 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 Commission.

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 1003.

PROPERTY SIGN. A sign related to the property upon which it is located and offering such information as the

address, the property, warning against trespassing, any hazard, or other danger on the property. (see “Identification Sign”)

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

PUBLIC FACILITIES AND PUBLIC SERVICE FACILITIES. For the public convenience, certain infrastructure including streets, water lines, sewer lines, public utilities 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 Wendover City.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off- street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC SERVICES. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

PUBLIC STREET. A public way which affords principal means of access to abutting properties.

PUBLIC SYSTEM (WATER OR SEWAGE). A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of the state of Utah.

PUBLIC UTILITY STATION. A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

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 for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a board or commission.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REAR YARD REGULATIONS (REAR SETBACK). That part of a lot that adjoins another lot, alley, street, road or highway, which does not provide the main access to the lot, if any access at all is allowed, between the rear line of the building and the rear lot line, and extending the full width of the lot. The length of the rear yard is measured from the rear lot line to the eaves or the rear (back) line of a building whichever is closer to the rear lot line. Unenclosed stoops of six foot by six foot or less is not considered the rear line of a building.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed

uses. Included in this definition shall be bowling, roller-skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

RECREATION, OUTDOOR. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

RECREATIONAL COACH. A vehicle such as a recreational trailer, camper, trailer, truck camper, travel trailer, camp car, or 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 State Division of Manufactured Housing and Recreational Vehicles, designed for the temporary use of human habitation. No recreational coach as herein defined shall be located, placed, used, or occupied for residential purposes in any district except within approved and licensed recreational coach parks.

RECREATIONAL VEHICLE PARK (TRAVEL TRAILER PARK). Any area or tract of land or a separately designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational vehicles for a temporary time not to exceed 30 consecutive days.

RECREATIONAL VEHICLE SPACE. A plot of ground within a recreational vehicle park designated and intended for the accommodation of recreational vehicle.



RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer registered or licensed to practice professional architecture or engineering as defined by statutory requirements of the professional registration laws of the state in which the project is to be constructed.

REHABILITATION CENTER (HALFWAY HOUSE). An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

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 and many other supply sources.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

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.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general. An establishment that sells food for consumption on or off the premises.

Restaurant, take-out. An establishment that sells food only for consumption off the premises.

REVOLVING SIGN. A sign that revolves 360 degrees (6.28 rad) about an axis. See also “Animated sign, mechanically activated.”

RIGHT-OF-WAY. That portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

ROADWAY WIDTH. For a street with battered or roll curb to back of curb, otherwise the width of the actual paved surface.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. A structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building. (compare “*Mansard*, “*Wall Sign*”). Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs.

ROTATING SIGN. (see “Animated Sign, Mechanically Energized”).



SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

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

SECURITY SURVEILLANCE. When security is a paramount concern to a project, it may require continuous and comprehensive surveillance of the private streets if access is only through a guarded gate. Under these circumstances it is in the interests of the public to vary requirements sufficient to permit total control of a manager.

SETBACK. The minimum required distance between the property line and the building line.

SEWER CONNECTION. A connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home development.

SEWER RISER PIPE. That portion of the sewer which extends vertically to at least ground elevation and terminates at each mobile home stand.

SHALL. Indicates that which is required.

SHOPPING CENTER. Multi-entity commercial complex under single ownership or control, which leases space to various commercial establishments.

SHOULD. Indicates that which is recommended but not required.

SIDE YARD SETBACK. That part of a lot that adjoins another lot, between the side line of the building and the side lot line, and extending from the Front yard setback to the Rear Yard setback. The width of the side yard is measured from the lot line to the end of the eaves or the side line of a building whichever is closer to the side lot line. Unenclosed stoops of six foot by six foot or less is not considered the side line of a building.

SIGN. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN ADVERTISING. See Sign, Off Premise.

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

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN, AREA OF.

- a) Projecting and Freestanding - the area of a freestanding or projecting sign shall have only one side of any double or multiple-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets. A rectilinear line of not more than eight (8) sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.
- b) Wall Sign - The area shall be within a single, continuous perimeter composed of any rectilinear line, geometric figure which encloses the extreme limits of the advertising message, If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

SIGN, BACKGROUND AREA. The entire background area of a sign upon which copy is placed. In computing area of sign background, only the face or faces which can be seen from any one direction at one time shall be counted.

SIGN, BUSINESS. An on premise sign which directs attention to a use conducted, a commodity sold, or service performed on the premise. A maximum of ten (10) percent of copy area may also advertise a product non manufactured on the premise.

SIGN CLEARANCE. The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishment, if extended over that grade.

SIGN, CLOTH. Any sign executed upon or composed of any flexible fabric.

SIGN, COMBINATION. A sign incorporating any combination of the features of Projecting, Roof or Free Standing Signs.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN COPY AREA. The area of a sign that is used for display purposes excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGN, DEVELOPMENT. An on premise sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firm(s), architect, and developer.

SIGN, DIRECTIONAL. On premise incidental sign designed to guide or direct pedestrians or vehicular traffic.

SIGN, ELECTRONIC MESSAGE. (see “Animated Sign, Electrically Energized”).

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN, FLAT. Any sign attached to a building or other structure that projects less than eighteen (18) inches beyond the building but extends parallel or substantially parallel thereto.

SIGN, FLOODLIGHTED. Any sign illuminated in the absence of daylight only by devices which reflect or project light upon it.

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

SIGN, IDENTIFICATION AND INFORMATION. An on premise sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes and public and semi-public buildings. Temporary and development signs are classified in this category only.

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

SIGN, MULTIPLE COPY. A sign which advertises other than the name of the business and the principal project or service.

SIGN, NAME PLATE. A sign indicating the name of a person or persons residing on the premises.

SIGN, PROJECTING. Any attached sign extending in whole or in part more than eighteen (18) inches beyond the building line.

SIGN SETBACK. The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street or road.

SIGN, STRUCTURE. Any structure which supports any sign as defined in this code. A sign structure may be a single pole or an integral part of a building.

SIGN, TEMPORARY. An on premise sign which is intended to advertise community or civic projects, real estate for sale or lease on a temporary basis. Such sign shall not be erected earlier than thirty (30) days prior to date of beginning of event and shall be removed within thirty (30) days after event is concluded.

SIGN, TIME AND/OR TEMPERATURE. A display containing illuminated numerals to show the time and/or temperature.

SIGNS, COMMUNITY. Temporary, on or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

SITE. A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA. All land area within the site as defined in the deed. Area shall be determined from an actual survey rather than from a deed description.

SITE DEVELOPMENT STANDARDS. Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space and any other special regulations deemed necessary to accomplish the purpose of this ordinance.

SITE PLAN. A plan that outlines the use and development of any tract of land.

SKETCH PLAN. A generalized layout of a proposed subdivision or development, with accompanying general proposal and intentions of the sub divider or developer, and relating the proposed subdivision or development to its area, public, utilities, facilities, services, and to special problems which may exist in the area.

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.

SNIPESIGN. SNIPESIGN. A temporary sign or poster affixed to a tree, fence, etc.

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.



SOLAR ENERGY CONVERSION SYSTEM. Includes active, passive and photo voltaic solar systems which when placed on a structure to supply energy to that structure.

SOLAR GREENHOUSE / SUNSPACE / 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.

SPECIAL DISTRICT. Means all entities established under authority of Title 1 7A and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

SPOT ZONE. A zoning amendment which singles out a relatively small parcel for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property, which is invalid because it is not in accordance with a comprehensive plan.



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 detached accessory building where horses are boarded and/or kept for hire.

STEEP SLOPES. Areas where the average slope exceeds 8 percent which, because of this slope, are subject to high rates of storm water runoff and therefore erosion.

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 partial story under a gable, hip, or gambrel roof, the wall plates of which are on at least two opposite exterior walls, do not extend more than four feet above the floor of such story, and the ceiling area of which does not exceed 2/3 of the floor area of ground, or attachment to something having a fixed location upon the ground, includes “building.”

STREET. A public thoroughfare, dedicated, abandoned, or condemned for public use prior to the initial enactment of this ordinance, which affords the principal means of access of abutting property and is more than twenty-six (26) feet wide, and any public thoroughfare dedicated to the public and accepted by proper public authority or condemned for public use after said date.

STREET AND ROAD SYSTEMS

- a) **Arterial** - A limited access street which is designed to carry through traffic with their only access being from Collector streets and State roads at intervals of no less than 1/2 mile. Arterial streets are intended to serve 3500 to 8000 average daily trips when the service area is fully developed.
- b) **Collector** - A street which is designed to intercept traffic from a standard residential road. Collector streets are intended to serve up to 1500 average daily trips from 150 to 500 residential or equivalent units.
- c) **Cul-de-sac** - A street which is designed to remain permanently closed at one end with the closed end terminated with a vehicular turnaround.
- d) **Local** – A street which creates the intercity grid network and functions to move traffic from Residential streets to Collector streets.
- e) **Public Street** - A street or road which has been dedicated or abandoned to the public and accepted by the proper public authority and affords principal access to abutting properties.

- f) Rural – A street located in outlying areas where volumes are less than a design hourly volume of 100 and intrusions such as driveways are greater than 1/4 mile apart with intersections being spaced no less than 1 mile apart.
- g) Residential or Standard Residential - A street which is designed to serve abutting land uses only. Standard residential streets are intended to serve up to 1500 average daily trips from no more than 150 residential or equivalent units. Residential streets may be developed to a Rural Residential Road Standard if the street meets criteria found in the Wendover City Street Master Plan.
- h) Stub Streets - A street or road extending from within a subdivision boundary and temporarily terminating with temporary turnaround (cul-de-sac). Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to a connecting street.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

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

SUB DIVIDER (DEVELOPER). Means any person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself/herself or others; a developer.

SUBDIVISION. The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

SUBDIVISION, CLUSTER. A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

SUBDIVISION IDENTIFICATION SIGN. A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

SUBDIVISION, MINOR. A subdivision of four (4) or less lots, which is not traversed by the mapped lines of a proposed street as shown in the general plan of Wendover City, does not require the dedication of any land for street or other public purposes and each lot in the subdivision meets the frontage, width and area requirements of this zoning ordinance and Wendover City zoning maps.

SUBDIVISION VACATION. The process of removing from record a section of land that was subdivided into plats for development or sale, lease or to offer for sale. The subdivision area vacated ceases to exist, and the land is one parcel, and must be re-subdivided to sell in smaller sections.

SWIMMING POOL. Any artificial or semi-artificial container, whether indoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances, and other facilities used or intended for use in and about the operation, maintenance and use of such pool. An accessory use subject to all state and local regulations governing safety and health, which requires a conditional use permit.

SWIMMING POOL, FAMILY. A swimming pool used and intended to be used solely by the owner, operator or lessee thereof and his/her family and by guests invited to use it without payment of any fee or consideration.

TAVERN. Any business establishment operating under a class “C” beer license. Such establishment shall be limited in number to two (2) per lineal block.

TECHNICAL REVIEW COMMITTEE. The Zoning Administrator, with the approval of the Mayor, may designate and appoint certain professionals, officials and other competent resource persons to serve as advisors, meeting as a Technical Review Committee to assist her/him, and serve as Planning Commission staff for the purpose of evaluating applications for Planning Commission action.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

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 the 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, etc.

THEATER. A building used primarily for the presentation of live stage productions, performances or motion pictures.

THEATER, INDOOR PICTURE. A building or part of a building devoted to the showing of motion pictures on a paid admission basis.

TIE DOWN. Any device designed for the purpose of anchoring a mobile home to ground anchors.

THEATER, OUTDOOR DRIVE-IN. An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of motion pictures, on a paid admission basis, to patrons seated in automobiles.

TRIM, NONSTRUCTURAL. The molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to a sign structure.

TWIN HOME DWELLINGS. A two-family dwelling that is divided into attached single-family dwellings as the result of a division of the property upon which the two dwellings are situated into two separate lots along the common wall of the two single-family dwellings. The adjoining lots occupied by a twin home shall have the minimum square footage required for any lot in the zoning district in which the property is located, plus the additional square footage required for an additional dwelling unit in the same zone. Twin home dwellings shall be either approved as a part of an initial subdivision application and approval process or as a result of the subdivision amendment process.

TWIN COMMERCIAL UNITS. A twin commercial unit is a commercial building or structure that is located on two adjoining lots, is separated by a common wall and the common wall is located on the lot line. The adjoining lots occupied by a twin commercial unit shall have the minimum square footage required for any lot in the zoning district in which the property is located. Twin commercial Units may be approved as a part of an initial subdivision approval process or may be approved as a conditional use for existing lots in specified commercial and industrial zoning districts. The ownership of each portion of a twin commercial unit shall run with the land that it is located upon.

UNDER-CANOPY SIGN. A sign suspended beneath a canopy, ceiling, roof, or marquee.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a canopy or marquee.

UNINCORPORATED. Means the area outside of the incorporated boundaries of Wendover City. That area that falls under the jurisdiction of Tooele County.

UNLICENSED MOTOR VEHICLES. Any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under the Utah Code. “Unlicensed Motor Vehicle” does not include any motor vehicle kept or stored at an approved impound lot or commercial storage yard.



USE. The purpose for which a building, lot, sign or structure is intended, designated, 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, CHANGE OF. The change within the classified use of a structure or premise.

USE, NONCONFORMING. A use that lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform to the use regulations.

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution or other entity.

USE, SPECIAL. See “Conditional Use.”

USE, TEMPORARY. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors’ offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point at an angle subtending less than 179 degrees.

VARIANCE. A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

VICINITY MAP (LOCATION MAP). A map or drawing, not necessarily to scale, showing where a subdivision, or proposed subdivision, P.U.D., commercial development, or other property is located.

VICINITY PLAN. A map or drawing, to scale, of any area proposed for development, showing existing and proposed streets, buildings, public facilities and utilities within the general influence area of the proposed project such as mile radius; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for project; water course, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for project and significant vegetative patterns on and in the immediate vicinity of the land proposed for development.

VIEW-OBSCURING FENCE, WALL OR HEDGE. A fence, wall, or hedge of vegetation growth which prevents full view of property on one side by a viewer standing on the other side.

WALL OR FASCIA SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs.

WALL SIGN. A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letters, and cabinet signs, and signs on a mansard.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

WATER CONNECTION. A connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the dwelling.

WATER RISER CONNECTION. That portion of the water supply system which extends vertically to at least ground elevation and terminates at the water inlet pipe for each mobile home lot or dwelling.



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

WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property..

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto. (Compare: *Front Yard Setback*). *Note - On a corner lot there are two front yards.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

YARD, SIDE. An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

ZONING MAP. A map illustrating locations and boundaries of zoning districts throughout the City of Wendover, Utah.

ZONING ORDINANCE OR ORDINANCE. The Zoning Ordinance prepared by the Planning and Zoning Commission and approved by Legal Council and the Wendover City Council for the City of Wendover, Utah.

Adopted this 1st day of October, 2015.