

**HILDALE CITY
ORDINANCE 2021-010**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF HILDALE CITY, UTAH
AMENDING THE HILDALE CITY LAND USE ORDINANCE TO UPDATE
CERTAIN LAND USE DEFINITIONS**

NOW THEREFORE, be it ordained by the Council of the Hildale City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Sec 152-1-1 Short Title” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-1-1 Short Title

This chapter shall be known as the LAND USE ORDINANCE OF HILDALE CITY and may be so cited and pleaded and may be cited as the "Land Use Code" wherever referenced in this chapter.

SECTION 2: **AMENDMENT** “Sec 152-3-4 Definitions Of Words And Phrases” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-3-4 Definitions Of Words And Phrases

As used in ~~this chapter~~ the Land Use Code, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

ACCESSORY BUILDING: A detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

ACCESSORY DWELLING UNIT: A subordinate residential living area created within a single-family dwelling or on the same residential lot as a single-family dwelling which meets the requirements of Article XLI of this ~~chapter~~ Land Use Code.

ACCESSORY USE: See definition of Use, Accessory.

ADJACENT ~~PROPERTY OWNERS~~~~LANDOWNERS~~: A property owner of record, according to the records of the county recorder, whose property abuts all or part of property proposed for development, disregarding any street or political subdivision boundary that may separate the properties.

AFFECTED ENTITY: A county, municipality, ~~independent special district under title 17A, chapter 2, independent special districts,~~ local district ~~under title 17B, chapter 2, local districts,~~ special service district, school district, interlocal cooperation entity ~~established under title 11, chapter 13, interlocal cooperation act,~~ specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

- (a) The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) The entity has filed with the ~~City~~~~municipality~~ a copy of the entity's general or long range plan; or
- (c) The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under Title 10, Chapter 9a of the Utah Code.
~~'s boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.~~

AGRICULTURAL BUSINESS: The conduct of agricultural activity involving the keeping, grazing and pasturing of domestic animals or growing and harvesting of crops for commercial gain. Typical uses include the raising of animals for food or for the production of food in excess of that required for a household and the boarding or stabling of animals other than those owned and used by household members.

AGRICULTURAL INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage and the initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include packinghouses, commercial feed yards, fur farms, commercial milk production, food packaging or processing plants, and commercial poultry or egg production. Slaughterhouses and intensive animal feeding operations are specifically excluded from this definition.

AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses which are used for wholesale and/or retail purposes.

AGRICULTURE: The tilling of soil, raising of crops, horticultural activities, gardening, keeping or grazing of domestic animals and noncommercial feed yards, but not including any agricultural business or industry.

ALLEY: A public thoroughfare less than twenty six feet (26') wide for the use of pedestrians and vehicles providing a secondary means of access to the rear of abutting properties.

ANIMAL HOSPITAL: A building where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. "Animal hospital" does not include use of the premises as a kennel or a place where animals or pets are boarded for remuneration except when incidental to a principal use.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken, turkey, and rabbit raising, egg production, apiaries, and aviaries.

ANIMAL UNIT: The number of animals equivalent to one mature beef cow, based on the daily output (in pounds) of manure.

ANIMALS AND FOWL FOR RECREATION AND FAMILY FOOD PRODUCTION: The keeping of animals on a lot for exclusive use by persons residing thereon so long as the animals and fowl are not used for commercial purposes.

APARTMENT COURT: Any building or group of buildings which contain dwelling units. See definition of Dwelling, Group.

APARTMENT HOUSE: See definition of Dwelling, Multiple-Family.

APPEAL AUTHORITY: The person, board, commission, agency or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

ASSISTED LIVING FACILITY: See section 152-46-3 of this chapter.

AUDITORIUM OR STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMOBILE WRECKING YARD: Any lot, land or area used for the storage, keeping, dismantling or salvaging of three (3) or more unlicensed automobiles or parts thereof.

BAIL BOND SERVICE: An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.

BANK OR FINANCIAL INSTITUTION: An organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions.

BASE DENSITY: The number of dwelling units allowed in a planned development calculated pursuant to the provisions of chapter 24 of ~~this chapter~~ [the Land Use Code](#).

BASEMENT: That portion of a building that is partly or completely below grade plane. A basement shall not be considered as a story above grade plane where the finished surface of the floor above the basement is:

- (a) More than six feet (6') above grade plane;
- (b) More than six feet (6') above the finished ground level for more than fifty percent (50%) of the total building perimeter; or
- (c) More than twelve feet (12') above the finished ground level at any point.

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than three (3) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of ~~this chapter~~ [the Land Use Code](#).

BED AND BREAKFAST INN: A commercial activity within a residential structure where not less than four (4) nor more than ten (10) rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of ~~this chapter~~ [the Land Use Code](#).

BERM: A mound of earth, generally two (2) to six feet (6') high, used to shield, screen, and buffer undesirable views and to separate land uses.

BILLBOARD: See chapter 36 of ~~this chapter~~ [the Land Use Code](#).

BLOCK: Land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BOARDING HOUSE: A building with not more than five (5) guestrooms, where, for compensation, meals are provided for not more than fifteen (15) persons.

BUILDABLE AREA: The area of a lot within front, rear and side yard setback lines where a main building may be constructed.

BUILDING: A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

BUILDING AREA: The area included within the surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BUILDING FACADE: Any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

BUILDING, HISTORIC: Any building listed in the national register of historic places, the Utah state register of historic sites, or the Hildale City historic landmarks register.

BUILDING LINE, FRONT: A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot.

BUILDING LINE, REAR: A line parallel to the rear lot line and at a distance therefrom equal to the required depth of the rear yard and extending across the entire width of the lot.

BUILDING LINE, SIDE: A line parallel to the side lot line and at a distance therefrom equal to the required depth of the side yard and extending between the front and rear building lines.

BUILDING, MAIN: The principal building or one of the principal buildings located on a lot designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one "lot" as defined herein shall be deemed a main building.

BUILDING OR STRUCTURE HEIGHT: The vertical distance from the grade plane to the average height of the highest roof surface.

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 Subdivisions.

BUS TERMINAL: A building or premises for the transient housing or parking of commercial motor vehicles and for the pick up and discharge of fare paying intercity passengers. Accessory uses may include ticket offices, luggage checking facilities, and similar uses.

BUSINESS EQUIPMENT RENTAL AND SUPPLIES: An establishment primarily engaged in the display, storage, and sale of goods or services used by office, professional and service establishments. Includes the sale, rental or repair of equipment and supplies used by office, professional, and service establishments, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

CAMPGROUND: Any site, tract, or parcel of land on which one or more campsites is provided for temporary human occupation, with or without additional facilities, services and amenities.

CAMPING HOSTING FACILITY: A privately owned, commercial campground where campsites may be rented to paying guests on a nightly basis.

CAMPSITE: a space within a campground designed for the accommodation of a tent or recreational vehicle.

CAPITAL FACILITIES: Any or all of the following facilities that have a life expectancy of ten (10) or more years: water rights and water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; roadway facilities; parks and recreation facilities, open space and trails; and public safety facilities.

CAPITAL FACILITIES PLAN: That plan required by section 11-36-201 of the Utah Code for public facilities, including, but not limited to, water, stormwater, parks, open space, and transportation, as the same may be amended from time to time.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CARPOR: A covered automobile parking space with at least two (2) sides open. For the purposes of this [chapter Land Use Code](#), a carport shall be subject to all of the regulations prescribed for a private Garage.

CEMETERY: Land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums.

CHILD CARE CENTER: Child care provided in a non-residential setting on a regular schedule. The number of children allowed will be determined by the facility's total square footage. Excludes the following:

- (a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
- (b) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or
- (c) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations.

CHURCH OR PLACE OF WORSHIP: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used primarily for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions, and for church related activities.

CITY: The City of Hildale, Utah, a [Municipal](#) corporation.

CITY COUNCIL: [The city council of the City of Hildale, Utah.](#)

CITY ENGINEER: A registered civil engineer so appointed or employed by the City.

CITY PLANNER: [The professional planner of Hildale City, Utah, or person designated as such by the Hildale City council.](#)

CLEAR VIEW AREA: Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this ~~chapter~~ [Land Use Code](#). See subsection 152-37-9E of this chapter.

CLINIC: See definition of medical service.

CLUB OR SERVICE ORGANIZATION: An establishment or organization providing meeting, recreational or social facilities for a private or nonprofit association, except a private club as defined herein. Typical uses include lodges, meeting halls, recreation centers, and areas operated by social clubs, fraternal and service organizations.

CLUB, PRIVATE: Any nonprofit corporation operating as a social club, recreational, fraternal, or athletic association, or kindred association which allows the consumption of liquor on its premises pursuant to a license granted by the Utah Alcoholic Beverage Control Commission.

COLLEGE OR UNIVERSITY: An institution of higher education offering undergraduate or graduate degrees and including, but not limited to, such accessory uses as dormitories, museums, stadiums, and theaters.

CONDITIONAL USE: See definition of Use, Conditional.

CONDOMINIUM: The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property created pursuant to the Utah condominium ownership act.

CONDOMINIUM DECLARATION: See definition of Declaration.

CONDOMINIUM PROJECT: A real estate plan, project, or property where two (2) or more units, whether contained in existing or proposed apartments, commercial, or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale pursuant to the Utah condominium ownership act.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the fifth or fourteenth amendment of the Constitution of the United States or article I, section 22 of the Utah Constitution.

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

CONSTRUCTION SALES AND SERVICE: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' offices and storage yards, and public utility corporation storage yards.

CONVALESCENT CARE FACILITY: An establishment providing bed care and inpatient services for persons needing regular medical attention but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Typical uses include nursing homes and rest homes.

CONVENIENCE STORE: An establishment, not exceeding five thousand (5,000) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales.

CONVERTIBLE LAND: A building site which is a portion of the common areas and facilities described by metes and bounds, within which additional units or limited common areas and facilities may be created pursuant to the Utah condominium ownership act.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals legally confined for violations of law.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building or group of buildings.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject Property.

CULTURAL SERVICE: A library, museum or similar public or registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

DECIBEL (dB): A unit of measure used to express intensity of noise.

DECLARATION: The legal instrument by which property is subjected to the provisions of the Utah condominium ownership act.

DEDICATION: The setting aside of land by an owner for any general and/or public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is devoted.

DENSITY, BASE: The number of dwelling units per acre allowed in a planned development as determined pursuant to the yield plan method set forth in subsection 152-23-8B of this chapter.

DENSITY BONUS: The number of additional dwelling units per acre allowed in a planned development pursuant to subsection 152-23-8C of this chapter.

DENSITY, GROSS: The number of dwelling units per acre within a subdivision or other development based on the total tract area whether developable or not, including streets, water areas, and open space conservation areas.

DENSITY, NET: The number of dwelling units per acre within a subdivision or other development, not including public streets and other public property.

DEVELOPABLE LAND: Land under thirty percent (30%) slope which is capable of being improved, subject to the requirements of this ~~code~~ [Land Use Code](#).

DEVELOPER: The person, association or corporation developing or causing to be developed the property subject to the provisions of ~~this chapter~~ [the Land Use Code](#).

DEVELOPMENT APPROVAL: Any written authorization from the city that authorizes the commencement of development activity.

DEVELOPMENT OR DEVELOPMENT ACTIVITY:

Any of the following:

- (a) Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (b) Any construction, reconstruction, or expansion of a building, structure, or use.
- (c) Any change in the use of a building or structure.
- (d) The total area of a lot on which a building permit is to be issued or the total area of property being improved.
- (e) Any change in the use of land that creates additional demand and need for capital facilities.
- (f) The property being developed and/or subdivided.
- (g) The act, process or result of developing.

Not to include; any remodeling of a dwelling that does not increase the square footage of any structure.

DISABILITY: See section 152-46-3 of this chapter.

DISTRICT: See definition of Zone.

DUPLEX: See definition of Dwelling, Two-Family.

DWELLING: Any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this ~~chapter~~ [Land Use Code](#), but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

DWELLING, EARTH SHELTERED: An engineered dwelling unit located primarily underground for the purpose of energy conservation.

DWELLING, GROUP: Two (2) or more dwellings which occupy the same lot and have yards and open space in common.

DWELLING, MULTIPLE-FAMILY: A dwelling having three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family and having only one (1) dwelling unit.

DWELLING, SINGLE-FAMILY WITH ACCESSORY APARTMENT: A building having only one (1) dwelling unit and one (1) accessory apartment.

DWELLING, TEMPORARY: A manufactured/mobile home used for temporary residential purposes as provided in chapter 43 of ~~this chapter~~ [the Land Use Code](#).

DWELLING, TOWNHOUSE: A dwelling unit in a row of at least three (3) such units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families and having only two (2) dwelling units.

DWELLING UNIT: One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes kitchen facilities, all for exclusive use by a single family maintaining a household.

ELDERLY PERSON: See section 152-46-3 of this chapter.

EXTERNAL ILLUMINATION: Lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

FAMILY: Any one (1) of the following who occupies a dwelling unit:

- (a) One (1) person living alone.
- (b) Two (2) or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two (2) other unrelated persons residing on the same premises where the housekeeping unit is located.
- (c) Two (2) unrelated persons and the children of either of them.
- (d) Five (5), or fewer, unrelated individuals living together as a single housekeeping unit.

FARMERS' MARKET: An establishment or premises where farm products from local farmers are sold at retail from covered or open air areas designated for individual retailers.

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

[FENCE, OPAQUE: A fence that permits vision through not less than fifty percent \(50%\) of each square foot of fencing.](#)

FENCE, SIGHT OBSCURING: A fence that permits vision through not more than ten percent (10%) of each square foot of fencing.

FINAL PLAT: The final drawing of a subdivision and dedication prepared for filing with the County Recorder which complies with applicable requirements set forth in this [chapter](#) [Land Use Code](#), other titles of this Code, and the Utah Code.

FLOOR AREA, TOTAL: See definition of gross floor area.

FREIGHT TERMINAL: A building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

FRONTAGE: All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FUNERAL HOME: An establishment engaged in preparing human deceased for burial and conducting funerals.

GARAGE, PRIVATE: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

GARDEN CENTER: An establishment primarily engaged in the retail sales of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

GAS AND FUEL, STORAGE AND SALES: An establishment or site used for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding below ground storage that is ancillary to an allowed principal use on the site.

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products, including gasoline sales conducted as part of a convenience store.

GENERAL PLAN: A document adopted by the City Council that sets forth general guidelines for proposed future development of the land within the City as set forth in section 152-2-2 of this chapter.

GOLF COURSE: A facility providing private or public golf recreation services and support facilities, but excluding miniature golf facilities.

GOVERNMENT SERVICE: Any building or facility used, owned or operated by a government entity which provides services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where finished ground level slopes away from an exterior wall, the reference plane shall be established by the lowest point within the area between the building and the lot line or, where the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

GROSS FLOOR AREA: The total floor area of a building expressed in square feet measured from the exterior of outside walls.

GUESTHOUSE OR CASITA: A secondary dwelling unit, with or without kitchen facilities, located on a lot with one or more main dwelling units which is:

- (a) Used for housing of guests without compensation, and
- (b) Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

HEAVY INDUSTRY: An establishment engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials; or a use engaged in manufacturing processes utilizing flammable or explosive materials; or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, slaughterhouses, steelworks and tanneries.

HEIGHT, BUILDING OR STRUCTURE: See definition of Building Or Structure Height.

HEIGHT, STORY: The vertical distance from top to top of two (2) successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

HOME BASED BUSINESS: A commercial or other nonresidential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes as provided in chapter 42 of ~~this chapter~~ [the Land Use Code](#).

HOMELESS SHELTER: A place of temporary abode for persons who have no residence.

HOSPITAL: A facility that:

- (a) Offers services more intensive than those required for room, board, personal services and general nursing care;
- (b) Offers facilities and beds for use beyond twenty four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; or
- (c) Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care or other definitive

- medical treatment of similar extent; and
- (d) Any accessory use such as offices for medical and dental personnel and central service facilities such as pharmacies, medical laboratories, and other related uses.

HOSTEL: An establishment in which people are lodged for a single night or less than a week at a time, but excluding bed and breakfast, home; bed and breakfast inn; hotel; or motel.

HOTEL: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

HOUSEHOLD: A family living together in a one-dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

HOUSEHOLD PET: Animals or fowl ordinarily permitted in a house and kept for company or pleasure, not profit, such as dogs, cats, pigeons, or rabbits, but not including:

- (a) Chickens, ducks, geese, pigs or other domestic farm variety animals nor any animals which are likely to inflict harm or endanger the health, safety or welfare of any person or property; and
- (b) A sufficient number of dogs to constitute a commercial kennel.

IMPACT FEE: A payment of money imposed upon development activity as a condition of development approval as provided in title 5, chapter 55 of this code.

JUNK OR SALVAGE YARD: Any place, establishment, or part of a lot maintained, used, or operated for collection, storage, keeping, or abandonment of wastepaper, rags, scrap metal or discard material, including dismantling, demolition of machinery or parts thereof, but excluding an automobile wrecking yard and any use which is clearly accessory and incidental to a permitted or conditional use.

KENNEL, COMMERCIAL: A commercial establishment having three (3) or more dogs over the age of four (4) months for the purpose of boarding, breeding, buying, selling, grooming, letting for hire, or training for a fee.

KENNEL, RESIDENTIAL: The keeping or maintaining of more than two (2), but no more than four (4) dogs, in connection with the occupation of any dwelling for residential purposes.

KIOSK: A small structure, typically located within a pedestrian walkway or similar circulation area, intended for use as a small shop, or for use as a display space for posters, notices and Exhibits.

KITCHEN: An area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

LAND USE APPLICATION: An application required by any land use ordinance or regulation.

LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the city council to act upon a land use application.

LAUNDRY OR DRY CLEANING, LIMITED: An establishment providing household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop off and pick up; or an establishment providing home type washing, drying, and/or ironing machines for hire to be used by customers on the premises. The term excludes large scale dry cleaning activities permitted under the definition of "laundry services".

LAUNDRY SERVICES: An establishment primarily engaged in the large scale cleaning of laundry or that includes dry cleaning activities other than those classified as low hazard in applicable codes, but excluding laundry or dry cleaning, limited.

LEGALLY EXISTED: For the structures built before September 5, 2018, in addition to the term's meaning at common law, legally existed means that the land owner/occupant has a Certificate of Occupancy from the building department, or is in the (3) year grace period provided for in Section 152-1-9(B) without a permit.

LICENSED FAMILY CHILD CARE: Child care provided in a private home for up to sixteen (16) children. Two (2) qualified caregivers are required when there are more than eight (8) children in care, or when there are more than two (2) children under the age of two (2) in care. With two (2) caregivers, a licensed family provider can care for up to (but not more than) four (4) children under the age of two (2).

LIGHT SOURCE: Neon, fluorescent or similar tube lighting, an incandescent bulb, including the light producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes a light source.

LIQUOR STORE: An establishment licensed by the Utah Alcoholic Beverage Control Commission for the sale of alcoholic beverages for off site consumption.

LOT: A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded subdivision plat.

LOT AREA: The total land area of a lot measured on a horizontal plane.

LOT, CORNER: A lot abutting two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT COVERAGE: The total horizontal area of a lot covered by any building or structure which extends above the surface of the ground level, including any covered parking spaces.

LOT DEPTH: The mean horizontal distance from a front lot line to a rear lot line.

LOT, DOUBLE FRONTAGE: A lot abutting two (2) parallel or approximately parallel streets.

LOT, FLAG: A lot located to the rear of another lot, the main body of which does not front on a street and is accessed by a narrow corridor.

LOT FRONTAGE: The distance, measured along the front lot line, that a lot adjoins a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot that divides one lot from another or from a street.

LOT LINE ADJUSTMENT: The relocation of a lot line between ~~two (2)~~ adjoining subdivided lots, or between one (1) subdivided lot and one or more adjoining parcels, with the consent of the owners of record and which does not create a new lot.

LOT LINE, FRONT: A lot line separating a lot from an existing street or, where a new street is proposed, the proposed street right-of-way line as shown on the road master plan. For an interior lot, the lot line adjoining the street; for a double frontage lot, a lot line adjoining one (1) of the streets as elected by the City.

LOT LINE, REAR: The lot line generally opposite and most distant from the front lot line, except in the case of a triangular or gore shaped lot, a "constructive" line ten feet (10') in length within the lot, parallel to the front lot line which intercepts the side lot lines at points most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or rear lot line. A side lot line separating one lot from another is an interior side lot line.

LOT, NON-CONFORMING: A lot that because of subsequent land use ordinance or zoning changes, does not conform with the lot size or other dimensional or property development standards applicable in the zone where the lot is located, and that:

- (a) Legally existed (See definition for "Legally Existed") before its current zoning designation; or
- (b) Has been shown continuously on the records of the County Recorder as an independent parcel prior to annexation.

LOT WIDTH: The distance between side lot lines, measured at the required front yard setback line as required by the zone in which the lot is located.

MANUFACTURED HOME: A transportable factory built dwelling 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:

- (a) In the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or

- more in length, or when erected on site, is four hundred (400) or more square feet;
- (b) 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;
- (c) Includes plumbing, heating, air conditioning, and electrical systems; and
- (d) Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MANUFACTURED/MOBILE HOME: A manufactured home or mobile home.

MANUFACTURED/MOBILE HOME LOT: A plot of ground within a manufactured/mobile home park or subdivision designed for the accommodation of one manufactured home or mobile home.

MANUFACTURED/MOBILE HOME PARK: A lot (or contiguous lots) under single ownership or control designed and planned to accommodate the placement of manufactured/mobile homes on leased or rented spaces pursuant to the requirements of chapter 43 of ~~this chapter~~ [the Land Use Code](#).

MANUFACTURED/MOBILE HOME SUBDIVISION: A platted and recorded subdivision zoned and designed for manufactured/mobile home use pursuant to the requirements of chapter 43 of ~~this chapter~~ [the Land Use Code](#) where such homes may be placed on permanent foundations.

MANUFACTURING, ALCOHOLIC BEVERAGE: a liquor manufacturing establishment operated by a person in compliance with a current license issued by the State of Utah pursuant to Part 3, Part 4, or Part 5 of Title 32B, Chapter 11 of the Utah Code, as amended.

MANUFACTURING, GENERAL: An establishment engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and/or distribution of such products, but excluding basic industrial processing and manufacturing activities.

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

- (a) Have no noise, odor, vibration, or other impacts discernible outside a building, and
- (b) Do not violate any applicable noise ordinance.

MASONRY: Stone, brick, dyed block or split faced concrete block.

MEDIA SERVICE: An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film or sound recording studios.

MEDICAL OR DENTAL LABORATORY: An establishment that conducts basic medical or dental research and analysis, but excluding a facility providing any type of in-house patient services typically provided by hospitals and clinics.

MEDICAL SERVICE: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical or dental laboratories.

MINERAL EXTRACTION: Removal of sand, gravel, dirt, or other materials by grading or excavating.

MIXED USE CENTER: See definition of Planned Center.

MOBILE HOME: A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code).

MOBILE HOME PARK: See definition of Manufactured/Mobile Home Park.

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

MODERATE INCOME HOUSING PLAN: A written document conforming to the requirements of the Utah Code.

MODULAR HOME: A dwelling unit designed for long term occupancy built on a permanent foundation from component elements manufactured off site in accordance with the construction standards adopted pursuant to section 58-56-4 of the Utah Code and transported to the building site.

MORTUARY: See definition of Funeral Home.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.

MOTOR HOME: A [self-propelled](#) motor vehicle built on a truck, [van](#) or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.

NATURAL FEATURES: Non-manmade land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

NATURAL STATE: Land which has not been subjected to grading, removal of vegetation or building development.

NATURAL WATERWAY: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels.

NON-COMPLYING STRUCTURE: A structure that:

- (a) Legally existed before its current zoning designation; and
- (b) Because of subsequent [land use ordinance](#) zoning changes, does not conform with the setback, height restrictions, or other regulations that govern the structure.

NON-CONFORMING LOT: See definition of Lot, non-conforming.

NON-CONFORMING USE: See definition of Use, non-conforming.

NONCONFORMITY, OTHER: See definition of Other Nonconformity.

OFFICE, GENERAL: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that:

- (a) Shows actual and proposed rights of way, centerline alignments, and setbacks for highways and other transportation facilities;
- (b) Provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- (c) Has been adopted as an element of the [municipality](#)City's general plan.

OPEN SPACE: Generally unobstructed land such as, but not limited to, landscaped buffers and yards, parks, trails, meadows, forested areas, pastures, and farm fields.

OPERATIONS CENTER: A maintenance, repair, or service facility operated by a local, state, or federal government agency.

OTHER NONCONFORMITY: A situation other than a non-conforming lot, use, or non-complying structure that:

- (a) Legally existed before the current zoning designation of the lot where the

- nonconformity is located; and
- (b) Because of subsequent [land use ordinance or zoning](#) changes, does not conform with applicable requirements of this ~~chapter~~ [Land Use Code](#).

OWNER: Any person who alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

PARK: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities. Excludes areas for motocross, drag racing, shooting and similar activities.

PARK MODEL DEVELOPMENT: Any site, tract, or parcel of land on which facilities have been developed to accommodate two (2) or more park model trailers or RVs as temporary living quarters pursuant to the requirements of chapter 43 of ~~this chapter~~ [the Land Use Code](#).

~~**PARK MODEL RECREATIONAL VEHICLE:** A unit that is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; Requires a special highway movement permit for transit; and is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode; and is not self-contained, requiring outside water, power, and sewer connections.~~

PARK MODEL TRAILER: A transportable dwelling unit built on a single chassis which:

- (a) In the traveling mode, is eight (8) body feet or more in width and not more than forty (40) body feet in length, or when is erected on site, has a gross area of at least three hundred twenty (320) square feet and less than four hundred (400) square feet;
- (b) Is designed to be connected to utilities necessary for operation of installed fixtures and appliances; and
- (c) Meets the standards set forth in ANSI A-119.5 or its successor.

PARK STRIP: The area located between a street right of way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

PARKING BAY: A parking area within a parking lot consisting of one or two (2) rows of parking spaces and the aisle from which motor vehicles may enter and exit parking spaces.

PARKING GARAGE, PUBLIC: A structure, or portion thereof, used for parking and storage of more than four (4) motor vehicles.

PARKING LOT, PUBLIC: A paved, open area other than a street, alley, or driveway, used for temporary parking of more than four (4) motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. **PARKING SPACE:** An area designated within a building, parking lot, or other parking area for the parking or storage of one motor vehicle.

PARKING, TANDEM: A secondary parking space located directly to the rear of a primary parking space, and which when occupied, restricts access to the primary parking space.

PAWNSHOP: Any person or establishment engaged in any of the following:

- (a) Lending money on deposit of personal property.
- (b) Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor.
- (c) Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property.
- (d) Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property.

PERIMETER BUILDING PAD: A separate building location, usually along the street frontage, developed or designated in connection with a larger commercial site.

PERSON: An individual, firm, partnership, corporation, company, [partnership](#), [organization](#), association, joint stock association, [trust](#), or governmental entity, including a trustee, receiver, assignee or similar representative of any of the foregoing.

PERSONAL CARE SERVICE: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, custom tailoring and seamstress shops, electrolysis studios, licensed massage therapists, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers, but excludes tattoo establishments.

PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, martial arts training, and swimming clubs.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by the city council that includes:

- (a) An estimate of the existing supply of moderate income housing located within the city;
- (b) An estimate of the need for moderate income housing in the city for the next five (5) years as revised biennially;
- (c) A survey of total residential land use;
- (d) An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) A description of the city's program to encourage an adequate supply of moderate income housing.

PLANNED CENTER: A development comprised of a variety of uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion.

PLANNING COMMISSION: The Planning Commission of Hildale City, Utah.

PLAT: A map or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, and streets.

PLOT PLAN: A schematic scaled drawing of a building lot or a development which:

- (a) Is less detailed than a site plan, and
- (b) Indicates, as may be required by this ~~chapter~~ **Land Use Code**, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

POST OFFICE: A facility or structure owned or leased by the U.S. postal service and used for collecting, sorting or distributing mail within one or more zip code areas, or providing limited retail services for the general public, such as the sale of stamps, postcards, postal insurance, and related items.

PRINTING AND COPYING, LIMITED: A business establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

PRINTING, GENERAL: The production of books, magazines, newspapers and other printed matter, as well as publishing, engraving and photoengraving, but excluding printing and copying, limited.

PRODUCE STAND: A booth, stall or other area located on agricultural property where produce is sold to the general public.

PROTECTIVE HOUSING FACILITY: See section 152-46-3 of this chapter.

PROTECTIVE SERVICE: A facility providing public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

PUBLIC: That which is under the ownership or control of the United States government, the State of Utah or any subdivision thereof, Washington County, or the city (or any departments or agencies thereof).

PUBLIC ENTRANCE: An entrance to a building or premises customarily used or intended for use by the general public but excluding fire exits, special employee entrances, and loading dock entrances not generally used by the public.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under title 52, chapter 4, open and public meetings, of the Utah Code.

PUBLIC UTILITY SUBSTATION: Any aboveground device of a water, irrigation, sewer, natural gas, electrical, telecommunications (including, but not limited to, radio, telephone and cellular telephone), cable television, or other public or private utility system intended to regulate the function of a utility line or which receives or transmits a signal. Excluded from this definition are:

- (a) Conventional utility poles, features or equipment to be placed on such a pole, light poles;
- (b) Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located; and
- (c) Features or equipment with maximum horizontal and vertical dimensions of three feet (3').

REASONABLE ACCOMMODATION: See section 152-46-3 of this chapter.

RECEPTION CENTER: A facility rented for private social gatherings.

RECREATION AND ENTERTAINMENT, INDOOR: An establishment offering recreation, entertainment or games of skill to the general public that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, and amusement rides.

RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides. No use involving aircraft of any type is included in this definition.

RECREATIONAL VEHICLE: A vehicular unit that is built on a single chassis with a gross floor area not exceeding 400 square feet designed as temporary living quarters for seasonal, travel, recreation, or and-vacation use and which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a camping trailer, travel trailer, fifth wheel trailer, truck camper, or motor home. A recreational vehicle is self-contained, not requiring outside connection to water, sewer, or power, though connection may be possible.

RECREATIONAL VEHICLE PARK: Any site, tract, or parcel of land on which facilities have been developed to accommodate two (2) or more recreational vehicles for temporary human occupation as temporary living quarters pursuant to the requirements of chapter 43 of ~~this chapter~~ the Land Use Code.

RECREATIONAL VEHICLE SPACE: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

REHABILITATION/TREATMENT FACILITY: See section 152-46-3 of this chapter.

REPAIR SERVICE: An establishment primarily engaged in providing repair services, but excluding vehicle and equipment repair. Typical uses include appliance repair shops, computer and other electronic equipment repair, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

RESEARCH SERVICE: An establishment engaged in industrial, medical, or scientific inquiries. RESIDENCE: See section 152-46-3 of this chapter.

RESIDENTIAL CERTIFICATE CHILD CARE: Child care provided in a private home for up to eight (8) children. This can include up to (but not more than) two (2) children under the age of two (2).

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: See section 152-46-3 of this chapter.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: See section 152-46-3 of this chapter.

~~RESIDENTIAL FACILITY FOR TROUBLED YOUTH: See section 5-4-2 of this Code.~~ RESIDENTIAL HOSTING: A limited commercial activity within an owner occupied residential structure where not more than eight (8) sleeping rooms may be rented to paying guests on a nightly basis and meals are not customarily provided pursuant to the requirements of chapter 51 of ~~this chapter~~ [the Land Use Code](#).

RESTAURANT, FAST FOOD: An establishment that sells ready to eat food and beverages quickly and which has one or more of the following characteristics:

- (a) Food and beverage orders are not taken at the customer's table;
- (b) Food and beverages are generally served in disposable wrapping or containers; or
- (c) Food and beverages are offered directly to the customer in a motor vehicle from a "drive-up" service window.

RESTAURANT, GENERAL: An establishment that derives not less than fifty percent (50%) of its gross receipts from the sale of food and beverages for consumption on the premises and which has one or more of the following characteristics:

- (a) Food and beverage orders are taken at the customer's table from an individually provided menu;
- (b) Food and beverages are served in nondisposable containers by a restaurant employee at the same table or counter where said items are consumed;
- (c) Food and beverages are generally self-served in nondisposable containers and consumed on the premises; or
- (d) A restaurant having some characteristics of a fast food restaurant, other than drive-up service, which is located exclusively within a shopping center, shares common parking facilities with other businesses within the center, and has access to a common interior pedestrian accessway.

RETAIL, GENERAL: An establishment that rents or sells goods to the public, but excluding uses specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

ROAD MASTER PLAN: The roads shown on the future land use map adopted by the city council as part of the city's general plan.

ROOFLINE: The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SCHOOL, ELEMENTARY, MIDDLE, OR HIGH: Any building or group of buildings or premises approved by the state of Utah for public or private elementary or secondary instruction.

SCHOOL, VOCATIONAL: An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

SECONDHAND STORE: A retail establishment that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

SENIOR CENTER: A facility sponsored or administered by a public or private entity which provides residences or other services for senior citizens.

SENSITIVE LAND: Any land area whose destruction or disturbance could affect the health, safety, or welfare of city residents, including wetlands, steep slopes, floodplains, and unstable soils.

SEXUALLY ORIENTED BUSINESS: See section 152-47-2 of this chapter.

SHOPPING CENTER: A group of three (3) or more commercial establishments that is planned, developed, and managed as a unit with common areas for off street parking and landscaping provided on the property.

SHORT TERM RENTAL OR VACATION RENTAL: To rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of thirty (30) days or less.

SIGN: See definition in section 152-36-2 of this chapter.

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates, as may be required by this ~~chapter~~ [Land Use Code](#), the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in section 54-2-1 of the Utah Code.

STABLE, PRIVATE: A detached accessory building for the keeping of horses, the majority of which are owned by the occupants of the premises.

STABLE, PUBLIC: A commercial establishment that boards, breeds, trains, raises, or rents horses for riding or other equestrian activities.

START OF CONSTRUCTION: The issuance date of a building permit, provided that construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Begins" does not include:

- (a) Land preparation, such as clearing, grading and filling;
- (b) Installation of streets and/or walkways;
- (c) Excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or
- (d) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A public or private right of way, including avenues, highways, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways, that provides access to adjoining property, and including the street definitions set forth in chapter 39 of ~~this chapter~~ [the Land Use Code](#).

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

STRUCTURE: Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground or attached to something having a location on the ground.

SUBDIVIDER: Any person who undertakes to create a subdivision.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- (a) The division or development of land whether by deed, metes and bounds description, devise and testacy, ~~lease~~, map, plat, or other recorded instrument, and
- (b) Except as provided in the exceptions below, a division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

- (a) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable provision of ~~this chapter~~ the Land Use Code;
- (b) A recorded agreement between owners of adjoining ~~properties~~ unsubdivided lots adjusting their mutual boundaries if no new lot is created and the adjustment does not result in a violation of applicable requirements of ~~this chapter~~ the Land Use Code; ~~or~~
- (c) A recorded document, executed by the owner of record, revising the legal descriptions of ~~more than one contiguous parcel of property~~ multiple unsubdivided lots, or one unsubdivided lot and one subdivided lot, into one legal description encompassing all such ~~parcels of property~~ lots;
- (d) ~~The joining of a subdivided lot to an unsubdivided lot does not constitute a subdivision as to the unsubdivided lot.~~ A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (1) is in anticipation of future land use approvals on the parcel or parcels;
 - (2) does not confer any land use approvals; and
 - (3) has not been approved by the land use authority;
- (e) A lot line adjustment;
- (f) A road, street, or highway dedication plat; or
- (g) A deed or easement for a road, street, or highway purpose.

SUBSTANTIAL ACTION: Action taken in good faith to exercise development rights authorized pursuant to a development approval given under the authority of this ~~chapter~~ Land Use Code.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a building or structure, the total cost of which equals or exceeds, or, if before completion, is estimated to equal or exceed, fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement includes the first alteration of any wall, ceiling, floor, or other structural part of the building or structure.

TAKEOFF AND LANDING OF AIRCRAFT: Any method of propulsion allowing aircraft to leave the ground or land on the ground, including, but not limited to, helicopters, airplanes, gliders, ultralights, or other aircraft.

TANDEM PARKING: See definition of Parking, Tandem.

TATTOO ESTABLISHMENT: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice.

TAVERN: An establishment licensed by the Utah alcoholic beverage control commission for serving liquor by the drink to the general public.

TEMPORARY DWELLING: See definition of Dwelling, Temporary.

TEMPORARY TRAILER: A temporary trailer or structure utilized solely by a builder during construction of a project for purposes incidental to the construction work on the property.

TENT: A structure, enclosure or shelter constructed of fabric or pliable material supported by a lightweight framework, designed as temporary living quarters for recreational camping purposes.

TINY HOME: A unit that:

- (a) Is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
- (b) Requires a special highway movement permit for transit; and
- (c) Is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode; and
- (d) Is not self-contained, requiring outside water, power, and sewer connections.

TRANSITIONAL HOUSING FACILITY: See section 152-46-3 of this chapter.

TRANSPORTATION SERVICE: An establishment that moves people or goods and services. Typical uses include taxicab service, passenger autos for rent with drivers, ambulance service, and parcel delivery service.

TRAVEL TRAILER: A vehicular unit without motive power which:

- (a) In the traveling mode, is eight (8) body feet or less in width and forty (40) body feet or less in length, or when erected on site, is not more than three hundred twenty (320) square feet; and
- (b) Is designed as temporary living quarters for travel, recreation, and vacation use.

USE: The purpose or activity for which land, a lot, or building or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A subordinate use customarily incidental to a permitted or conditional use and located on the same lot as such use.

USE, CONDITIONAL: A main use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

USE, ILLEGAL: A use that is not allowed where located as a permitted use, conditional use, accessory use, or non-conforming use.

USE, INCOMPATIBLE: A use which is different in activity, intensity, or utilization which is or will be in conflict with uses on adjoining lots.

USE, MAIN: The primary purpose for which a lot or structure is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this ~~chapter~~ [Land Use Code](#).

USE, NON-CONFORMING: A use of land that:

- (a) Legally existed before the current zoning designation of the land where the use is located;
- (b) Has been maintained continuously since the time the [land use ordinance](#) zoning designation governing the land changed; and
- (c) Because of subsequent [land use ordinance or](#) zoning changes, does not conform with the zoning regulations that now govern the land.

USE, PERMITTED: A main use of a building, structure, or land allowed in one or more of the respective zones set forth in this ~~chapter~~ [Land Use Code](#) and which may be lawfully established provided it conforms with applicable provisions of ~~this chapter~~ [the Land Use Code](#).

USE, TEMPORARY: A use not allowed as a permitted, conditional or accessory use where located and which is established for a limited time with the intent to discontinue the use upon expiration of the time period authorized by a temporary use permit.

UTILITY, MAJOR: A facility, other than collection or distribution lines or supporting structures thereto, of any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. Excludes corporate or general offices, storage or service buildings or yards, gas or oil processing, manufacturing or storage facilities or postal facilities, or other uses defined in this section. Typical uses include commercial radio, television and microwave communication towers, electric generation plants or substations, railroad switching yards, reservoirs, sanitary landfills and water and wastewater treatment plants.

UTILITY, MINOR: A facility of any agency under public franchise or ownership to provide services deemed necessary to support development which involve only minor structures, such as poles and lines, but not including utility substations.

VARIANCE: A waiver or modification granted to a height, bulk, area, width, setback, separation, or other numerical or quantitative requirement of this ~~chapter~~ [Land Use Code](#).

VEHICLE: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one place to another.

VEHICLE AND EQUIPMENT RENTAL OR SALE: An establishment engaged in the sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental and farm equipment and machinery sales and rental.

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

VEHICLE REPAIR, LIMITED: An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

VETERINARY SERVICE: An establishment providing medical care and treatment for large and small animals, which may include accessory grooming or boarding services. Veterinary service does not include an animal hospital.

VICINITY PLAN: A drawing showing the relationship of proposed real property development to adjoining property.

VIOLATION: The act of disregarding, disobeying, neglecting, omitting or refusing to comply with the requirements or enforcement of this ~~chapter~~ [Land Use Code](#).

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

WHOLESALE AND WAREHOUSING, GENERAL: An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.

WHOLESALE AND WAREHOUSING, LIMITED: An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be under fifty thousand (50,000) square feet in area and operate during conventional business hours.

WIRELESS TELECOMMUNICATIONS FACILITY: See section 152-50-4 of this chapter.

YARD: An open space located between a front, rear, or side building line and an adjoining lot line which is unoccupied and unobstructed from the ground upward by any portion of a building or structure, except as specifically provided in this ~~chapter~~ [Land Use Code](#).

YARD DEPTH: The least horizontal distance between a lot line and a building line.

YARD, FRONT: A space on the same lot extending across the full width of the lot between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this ~~chapter~~ [Land Use Code](#) between the front lot line and the front building line.

YARD, REAR: A space on the same lot extending across the full width of the lot between the rear building line and rear lot line. The depth of the rear yard is the minimum distance required by this ~~chapter~~ [Land Use Code](#) between the rear lot line and rear building line.

YARD, SIDE: A space on the same lot extending from the front building line to the rear building line between the side building line and the side lot line. The width of a side yard is the minimum distance required by this ~~chapter~~ [Land Use Code](#) between the side building line and the side lot line.

ZONE: An area of the incorporated territory of the City as shown on the official zoning map which has been given a designation which regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land all as set forth in this ~~chapter~~ [Land Use Code](#).

ZONING ADMINISTRATOR: The person charged with principal responsibility for interpreting and applying the provisions of this ~~chapter~~ [Land Use Code](#).

[ZONING MAP: A zoning map adopted by the City Council pursuant to the provisions of section 10-9a-501 of the Utah Code.](#)

SECTION 3: AMENDMENT “Sec 152-39-3 Definitions” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-39-3 Definitions

The following words and phrases used in this chapter, in addition to those listed in chapter 3 of this chapter, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context:

~~ADJACENT LANDOWNERS: Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof. AFFECTED ENTITY: As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if: The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; The entity has filed with the municipality a copy of the entity's general or long range plan; or The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.~~

BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

~~BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES: The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created. CITY: Hildale City, Utah.~~

~~CITY COUNCIL: The city council of Hildale City, Utah.~~

~~CITY ENGINEER: The city engineer of Hildale City, Utah, or a consulting engineering firm designated as the city engineer by the city council.~~

~~CITY PLANNER: The professional planner of Hildale City, Utah, or person designated as such by the Hildale City council.~~

COMMUNICATIONS EASEMENT: An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or tele-communications or telecommunications services.

COMMUNICATIONS INFRASTRUCTURE: Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

COUNTY: Washington County, Utah.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DEDICATION: Land set aside by an owner for any general and public uses.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

~~**FINAL PLAT:** The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this chapter and adopted pursuant thereto.~~

~~**GENERAL PLAN:** A plan, labeled "General Plan of Hildale City", including maps or reports or both, which has been approved by the city council as required by law, or such plan as it may be amended from time to time.~~

JOINT UTILITY COMMITTEE: A committee consisting of representatives from each major utility provider, including but not limited to water, gas, power, sewer, phone, and public works, and chaired by the Public Works Director.

~~**LOT:** A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.~~

LOT RIGHT OF WAY: A strip of land of not less than twenty six feet (26') wide connecting a lot to a street for use as private access to that lot.

~~**OFFICIAL ZONING MAP:** A zoning map adopted by the city council pursuant to the provisions of section 152-9a-501, Utah Code Annotated, 1953, as amended.~~

OPEN SPACE: Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

~~**PERSON:** Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.~~
~~**PLANNING COMMISSION:** The Hildale City planning commission.~~

~~**PLAT:** A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.~~

SANITARY SEWER AUTHORITY: Colorado City-Hildale City Utility Department.

SECURITY: An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

Street, Arterial: A street, existing or proposed, which serves or is intended to serve as a major trafficway, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, Collector: A street, existing or proposed, which is the main means of access to an arterial street system.

Street, Cul-De-Sac: A street which originates from a designated city street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the city council, the planning commission and the fire chief.

Street, Private: A right of way or easement in private ownership not dedicated or maintained as a public street. Street, Residential: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

~~SUBDIVIDER: Any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another. SUBDIVISION: Includes: A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes. A recorded document executed by the owner of record, revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of this chapter.~~

(a) ~~Does not include:~~

SECTION 4: AMENDMENT “Sec 152-40B-1 Definitions Of Words And Phrases” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-40B-1 Definitions Of Words And Phrases

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application:

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A nonbasement building:

- (a) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and
- (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of section 60.3(e)(5) of the national flood insurance program regulations.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes Hildale tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Land use ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to chronic flooding or a catastrophic flood event~~being inundated by water from any source, including but not limited to land areas within the 100-year flood plain designated by the Federal Emergency Management Agency~~ (see definition of Flood Or Flooding).

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to

the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the secretary of the interior; or
 - (2) Directly by the secretary of the interior in states without approved programs.

INFRASTRUCTURE: Roads, bridges, pipelines, cabling, power lines, utility or any other public or private constructed improvement.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION: For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the national flood insurance program regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 5: AMENDMENT “Sec 152-47-2 Definitions” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-47-2 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter. Whenever a word or phrase used in this chapter is not defined herein or in chapter 3 of this chapter, but is defined in related sections of Utah Code Annotated or in other city ordinances or resolutions, such definitions are incorporated herein and shall apply as if set forth herein in full, unless the context clearly appears otherwise.

BUSINESS LICENSE AUTHORITY: Hildale City manager or designees.

CORRIDOR:

- (a) SR-59, all inclusive.
- (b) Utah Avenue, all inclusive.
- (c) Canyon Street, all inclusive.
- (d) Central Street, all inclusive.

EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer as an independent contractor, as an agent or in any other form of employment relationship.

ESCORT: Any person who, for pecuniary compensation or any form of consideration, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or other to or about social affairs, entertainment or places of amusement, or within any place of public or private quarter. "Escort" shall not be construed to include persons who provide business or personal service such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. "Escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within Hildale City, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.

HISTORIC BUILDINGS OR SITES: Those buildings or sites found on either the national or state historic registers or the Hildale City register of cultural and historic resources.

NUDE AND SEMINUDE DANCING AGENCY: Any person, agency, firm, corporation, partnership, or any other entity or individual, which furnishes, books or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer for performance or appearance at a business licensed for nude entertainment, seminude dancing bars or adult theaters.

NUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

NUDITY OR STATE OF NUDITY: A state of dress in which the ~~nipple and areola of the female breast, or~~ male or female genitals, pubic region or anus are covered by less than the covering required in the definition of "seminude".

OUTCALL SERVICES: Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees.

PATRON: Any person who contracts with or employs any escort services or escort, or the customer of any nude entertainment business.

PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire, profit, reward or any other form of consideration.

PERSON: Any person, unincorporated association, corporation, LLC, partnership or other legal entity.

PUBLIC PARK: A park, playground, swimming pool, golf course, bike or jogging path, or athletic field within Hildale City which is under the control, operation or management of Hildale City.

RELIGIOUS INSTITUTION: A building which is used primarily for religious worship and related religious activities.

SCHOOL: An institution of learning or instruction primarily catering to minors, whether public or private. This definition shall include daycares, preschools, nursery schools, kindergarten, elementary schools, junior high schools, middle high schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education.

SEMINUDE: A state of dress in which ~~opaque clothing covers no more than the nipple and areola of the female breast, and~~ the male or female genitals, pubic region and anus shall be fully covered by an opaque covering no narrower than four inches (4") wide in the front and five inches (5") wide in the back, which shall not taper to less than one inch (1") wide at the narrowest point.

SEXUALLY ORIENTED BUSINESS EMPLOYEES: Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models and other similar employees whether or not hired as employees, agents or as independent contractors. Sexually oriented business employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. Sexually oriented business employees shall not include cooks, serving persons, bartenders and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this chapter, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.

SEXUALLY ORIENTED BUSINESSES: Those businesses defined as follows:

Adult Arcade:

An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store Or Adult Video Store:

A commercial establishment which has as a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- (b) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- (c) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret:

A nightclub, bar, restaurant, "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- (a) Persons who appear nude or in a state of nudity or seminude;
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Motel:

A motel, hotel or similar commercial establishment which:

- (a) Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or

description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

- (b) Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- (c) Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater:

A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater:

A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas".

Massage Parlor:

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". The definition of sexual oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

Nude Entertainment Business:

A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

Nude Model Studio:

Any place where a person who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.

Seminude Dancing Bars:

Any business which sells or allows the consumption of any alcoholic beverage on its premises that permits dancing, modeling or other performance or appearance however characterized, in a state of seminudity.

Sexual Encounter Establishment:

A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SPECIFIED ANATOMICAL AREA: Any of the following:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or anus ~~or female breasts below a point immediately above the top of the areolae~~; or
- (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

- (a) The fondling or other intentional touching of human genitals, pubic region, buttocks, or anus ~~or female breasts~~;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (c) Masturbation, actual or simulated;
- (d) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (e) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed; or
- (f) Excretory functions as part of or in connection with any of the activities set forth in subsections A through E of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: Increase in the floor areas occupied by the business by more than fifteen percent (15%), as the floor areas exist at the time the business receives its initial sexually oriented business license under the applicable Hildale City licensing provisions in effect at the time of initial issuance.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember JVar Dutson	_____	_____	_____	_____
Councilmember Maha Layton	_____	_____	_____	_____
Councilmember Stacy Seay	_____	_____	_____	_____
Councilmember Jared Nicol	_____	_____	_____	_____
Councilmember Lawrence Barlow	_____	_____	_____	_____

Presiding Officer

Attest

Donia Jessop, Mayor, Hildale City

Athena Cawley, City Recorder
Hildale City