

TITLE 20 – ZONING ORDINANCE OF GENOLA

CHAPTER 02 DEFINITIONS

Sections:

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20.02.01 PURPOSE

The following definitions shall be used in the interpretation and construction of this Ordinance. Definitions are included for the express purpose of defining and clarifying words that are used in this Ordinance, or that may be used in future amendments to this Ordinance. Inclusion of a definition in this Ordinance shall not constitute any real or implied rights to land uses within the Town of Genola that are not otherwise allowed by the provisions of this Ordinance.

Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word "shall" is mandatory and not directory and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words "plot" or "parcel".

20.02.02 DEFINITIONS

Accessory Use or Structure: A use or structure located on the same lot which is customarily incidental and subordinate to the principal use or structure.

Agent of Owner: Any person who can show written proof that he is acting with the property owner's knowledge and permission.

Agriculture: The tilling of the soil, the raising of crops, horticulture and gardening, grazing, and keeping or raising of domestic animals and fowl; and not including any agricultural industry or business such as animal feed yards, fur farms, animal hospitals, fruit packing plants, or similar uses.

Agricultural Industry or Business: An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging, processing plants, commercial greenhouses, commercial poultry or egg production, or similar uses as determined by the Planning Commission.

Aisle Space: The area located between or behind off-street parking stalls that provides traffic circulation and access to the parking stalls.

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

Apartment: A rented room with a kitchen; or a suite of two or more rented rooms, each with a kitchen; designated and intended for living and sleeping purposes.

Area: The surface included within a given set of boundaries.

Automobile Car Wash: A facility for automatic or self-service washing and cleaning of automobiles and small trucks.

Automobile Repair Garage: A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1-1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, body work, fender work and painting.

Automobile Service Station: A place where gasoline, or any other motor fuel or lubricating oil or greases for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts; but not including automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, or vehicle or trailer sales or rental. This definition shall include mini-market as an accessory use.

Basement: A story whose floor is more than twelve (12) inches below the average level of the adjoining ground but where no more than one-half (1/2) of its floor-to-ceiling height is below the average contact level of the adjoining ground.

Board of Adjustment: The Board of Adjustment of the Town of Genola as duly appointed under the provisions of Utah State Law and this Ordinance.

Buildable Area: The portion of a lot remaining after required yards and setbacks have been provided.

Building: Any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building, Accessory: A building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use on the same lot.

Building, Height: The vertical distance from the average finished grade surface at the side of the lowest grade, immediately adjacent to the building to the highest point of any building roof or coping.

Building Inspector: The officer or other designated authority, appointed by the Town Board, who is charged with the administration and enforcement of adopted building codes and this Ordinance.

Building, Main: The principal building or one of the principal buildings on a lot; or the building or one of the buildings housing a principal use on a lot.

Building, Public: A building owned and operated, or owned and intended to be operated by any subdivision of the federal, state, or local government.

Carport: An attached or unattached parking area enclosed on not more than two sides by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

Church: A building or buildings maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

Clinic, Dental or Medical: A facility where dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and an apothecary, but it shall not include in-patient care.

Conditional Use: A use of land that may be allowed, allowed with conditions, or denied in designated zoning districts, as approved by the Planning Commission and the provisions of this Ordinance.

Covenant: A written agreement between the buyer and seller of a parcel of land, or between the Town of Genola and a property owner, which is intended to protect the interest of the neighborhood and the community.

Coverage: The percent of the total lot area covered by buildings and structures.

Curb Cut: A space in the curb line used for the passage of vehicles.

Dairy: A commercial establishment for the production of milk on a farm for wholesale marketing off the premises.

Day Care: Persons, associations, corporation, institutions or agencies; providing on a regular basis, care and supervision, to children under fourteen years of age; in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests on

the land. This includes any individual, group of persons, firm, association, corporation, partnership, non-profit organization, company, or any other organization or entity.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District: A portion of the territory of the Town of Genola established as a zoning district by this Ordinance, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance; includes "Zone", and also "Zoning District".

Driveway: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

Dwelling: Any building or portion thereof that is used exclusively for residential purposes; and is designed to be occupied by one (1) family for living or sleeping purposes; having one (1), but not more than one (1) kitchen or set of fixed cooking facilities. Tents, travel trailers or any other non-permanent facilities shall not constitute a dwelling.

Essential Facilities: Utilities, sanitary and public safety facilities provided by a public utility or governmental agency for overhead, surface, or underground services; excluding any building, electrical substation or transmission line.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption; or a group of not more than three (3) persons who are not related, living in a dwelling as a single housekeeping unit, using common cooking facilities.

Floor Area: Area included within the surrounding walls of a building or portion thereof.

Frontage: All property fronting on one (1) side of a street, measured along the street line.

Garage, Private: A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers or boats and not including space for more than a total of four (4) vehicles, trailers or boats.

Grade: Grade is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line; or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Guest: Any person or persons staying temporarily within a dwelling unit without payment of compensation or enumeration to the owners, tenants, or full time inhabitants of the dwelling unit.

Hard Surface: A dust-free, paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the Building Inspector.

Hospital: An institution providing qualified health, medical and surgical staff and related personnel services for the diagnosis, treatment and recovery care of persons suffering from disease or injury, primarily on an inpatient basis. A hospital may include integral support service facilities.

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

Kitchen: Any room and/or other place used or intended or designed to be used for cooking or the preparation of food.

Lot: A parcel or unit of land described by legal description and held or intended to be held in separate lease or ownership; or shown as a lot or parcel on a recorded subdivision map; or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

Lot, Corner: A lot abutting two (2) or more streets at their intersection or on two parts of the same street.

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

Lot, Frontage: The portion of a lot fronting upon and providing rights of access to a street on the Genola Town Map, to be measured continuously along a street line. Owners of through lots fronting upon two streets may select that which shall be considered "frontage." On a corner lot, frontage shall be measured to the point of intersection and extend continuously along the intersecting street line.

(Amended by Ordinance 2016-04, on August 10, 2016)

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

Lot Lines: The property lines bounding the lot.

Lot Line, Front: A line separating an interior lot from a street. In case a lot abuts on more than one street, the lot owner may elect any street lot line as the front lot line unless previously established.

Lot Line, Rear: Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or

gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a minimum distance from the front lot line. In case where these definitions are not applicable, the Building Inspector shall designate the rear lot line.

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

Lot, Storage: A hard surfaced, landscaped, fenced illuminated open area, not a street, used to store new or used (not damaged) building material, machinery, tools, boats, motor vehicles or trailers.

Lot, Width: The horizontal distance between the side lot lines, measured at the required front yard setback line.

Manufactured Home: A transportable housing or dwelling unit built in one or more sections that was constructed on or after June, 1976. The unit includes plumbing, heating, air conditioning, and electrical systems and is constructed to meet the building code standards contained in the National Manufactured Housing Construction and Safety Standards Act of 1974.

Master Plan: A coordinated plan, which has been prepared and adopted for the purpose of guiding development, including, but not limited to a plan or plans for land use, circulation, housing, and public facilities.

Mobile Home: A transportable housing unit not less than 30 feet long that is designed to be transported on its own wheels, flatbed truck, or other transport mechanism. The unit is designed to be occupied as a complete dwelling unit ready for occupancy when placed on a building site, except for connections to utilities and other minor work. Mobile homes generally do not meet the dwelling standards found in the Uniform Building Code; are registered as a motor vehicle; and are not considered real property.

Modular Home: A permanent dwelling structure built of prefabricated units which are assembled and/or erected on a building site and meet the standards set forth in the Uniform Building Code.

Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units that are designed and located to serve the motoring public.

Nonconforming Building, Structure or Lot: A building, structure, lot or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all the height, area, setback and yard regulations herein prescribed in the zoning district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Open Space, Usable: Usable open space shall be any portion of a lot or building which is open to the sky

Parking Lot: A hard surfaced, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles.

Parking Space: A permanently surfaced area, enclosed or non-enclosed for the parking of one (1) motor vehicle measuring not less than nine by eighteen (9 x 18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.

Planning Commission: The Planning Commission of the Town of Genola as duly appointed under the provision of Utah State Law and this Ordinance.

Public Use: A use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare; and including such uses as public schools, parks, playgrounds, and other recreational facilities; public administrative or service facilities; and public utilities.

Quasi-Public Use: A use operated by a private nonprofit, educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

Retaining Wall: A wall designed to resist the lateral displacement of soil or other materials.

Setback: The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

Site Plan: A plat of a lot that is drawn to scale which shows actual measurements, the size and location of any existing buildings and buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Planning Commission.

Stable, Private: A detached accessory building for the keeping of horses owned by the occupants of the premises.

Stable, Public: Any stable where horses are boarded and/or kept for hire.

State Store: An outlet for the sale of liquor which is operated by the State of Utah.

Story: That portion of a building included between the surface of any floor and the floor or ceiling next above it.

Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) the floor area of the floor next immediately below it, provided, however, that any partial story used for one (1) or more dwelling units, shall be deemed a full story.

Street, Public: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, the right of way being not less than fifty (50) feet in width, and/or such a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.

Street, Private: A right-of-way of easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites. (Private streets may not be dedicated to the Town unless minimum standards for a public street are met.)

Structure: A structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swimming Pool: A structure used or intended to be used to contain a body of water in which any person or persons may swim or wade, which is greater than two (2) feet in depth.

Term: The duration or amount of time a person appointed to the Planning Commission or Board of Adjustment will serve.

Town Board: The governing board of the Town of Genola.

Use Variance: A variance that allows buildings, structures or property to be used in a manner that is not allowed in the zoning district. Use variances are prohibited by Utah State Law.

Variance: A minor variation in the required terms of the Zoning Ordinance, as permitted by the Board of Adjustment. Use variances are not permitted under the terms of this Ordinance.

Vicinity Plan: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.

Yard: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

Yard, Front: A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of

the lot. The "depth" of the front yard is the minimum distance between the front lot line and the closest point of the building.

Yard, Rear: A space on the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the closest point of the building.

Yard, Side: A space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the closest point of the building.

Zoning Administrator: The officer or other designated authority, appointed by the Town Board, who is charged with the administration of this Ordinance.

ⁱ Previous Versions and Ordinances:

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