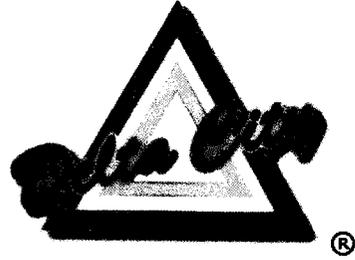


Delta City  
76 N 200 W  
Delta UT 84624-9440  
435 864 2759  
435 864 4313 FAX  
www.delta.utah.gov

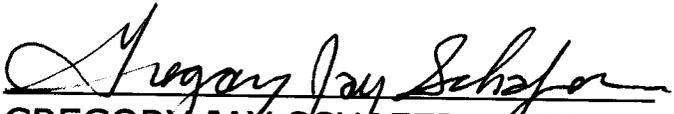


*Certificate of Ordinance Passage*

STATE OF UTAH            )  
                                  )  
CITY OF DELTA            )     SS.

I, GREGORY J. SCHAFER, as the duly appointed, sworn and acting Delta City Recorder, do hereby certify that the attached, numbered as City of Delta Ordinance Number 16-272 was duly adopted by the necessary quorum of the Delta City Council on October 20, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of said City.

  
GREGORY JAY SCHAFER, MMC  
Delta City Recorder





# ORDINANCE

## NUMBER 16-272

### AN ORDINANCE AMENDING TITLE 12 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, ("DELTA CITY ORDINANCES") PERTAINING TO ALLOWED ENCROACHMENT OF CARPORTS INTO SETBACKS.

The City Council of the City of Delta, Utah (referred to herein as the "City Council"), recites the following as the basis for enacting this Ordinance:

- A. The "Municipal Land Use, Development, and Management Act", Utah Code Ann. § 10-91-101 et seq., as amended (the "Act"), provides that each municipality of the State of Utah may enact a land use ordinance and a zoning map establishing regulations for land use and development within the municipality;
- B. Pursuant to the Act, the municipality's planning commission shall prepare and recommend to the municipality's legislative body, following a public hearing, proposed land use ordinances and zoning maps, or amendment thereto, that represent the planning commission's recommendations for land use regulations within the municipality;
- C. The Delta City Planning Commission has caused to be drafted the attached amendments to Title 12 of the Revised Ordinances of the Delta City (1981 Edition), and has recommended to the City Council that the amendments be adopted by Delta City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Adoption of Amended Title 12-2 Definitions. Title 12-2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit A**, which is attached to and incorporated in this ordinance.

Section 2. Adoption of Amended Administration and Enforcement as Set Out in Title 12-3-1. The procedure for Amendment to the Zoning Code of Map as set out in Title 12-3-1 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit B**, which is attached to and incorporated in this ordinance.

Section 3. Adoption of Permitted Encroachments as set out in Title 12-20-2.

Permitted Encroachments as set out in Title 12-20-2 of the Revised Ordinances of Delta City (1981 edition) as amended, is hereby adopted and amended as shown in **Exhibit C**, which is attached to and incorporated in this ordinance.

Section 4. Effective Date. This ordinance shall become effective upon publication.

Section 5. Publication. This ordinance, or a summary thereof, is ordered published in the Millard County Chronicle Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 6. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 7. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 20th day of October, 2016, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	<u>X</u>	_____	_____	_____
Kiley J. Chase	<u>X</u>	_____	_____	_____
J. Travis Keel	<u>X</u>	_____	_____	_____
John W. Niles	<u>X</u>	_____	_____	_____
Betty Jo Western	<u>X</u>	_____	_____	_____



*Gayle K. Bunker*  
 \_\_\_\_\_  
 GAYLE K. BUNKER  
 MAYOR

*Gregory Jay Schaffer*  
 \_\_\_\_\_  
 GREGORY JAY SCHAFFER, MMC  
 CITY RECORDER

# Exhibit A

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## TITLE 12-2 DEFINITIONS

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### TITLE 12-2 DEFINITIONS

For the purpose of this code, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations;" "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

**Accessory Buildings, Large.** An accessory building larger than six-hundred (600) square feet that is located on the same lot as a residence.

**Accessory Building, Occupied.** A building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use; and
- C. A dwelling unit or home office.

**Accessory Building, Unoccupied.** A building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use; and
- C. Not a dwelling unit.

**Accessory Living Quarters.** Accessory dwelling incidental to a church or airport.

**Accessory Use or Building.** A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

**Adult Oriented Businesses.** Adult oriented business means any or all of the following or any portions of the following: adult book store, adult video store, adult novelty store, adult motion picture theater, adult theater and tattoo parlors.

**Affected Entity.** A county, municipality, local district, , local district under Utah Title 17B, Chapter 1, Local Districts, school district, interlocal cooperation entity established under Utah Title 11, Chapter 13, Interlocal Cooperation Act, a property owner, a property owner association, specified public utility, 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 municipality a copy of the entity's general or long-range plan; or
- C. The entity has filed with the Delta City Recorder a request for notice during the same calendar year.

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## TITLE 12-2 DEFINITIONS

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**Agriculture.** The tilling of soil, raising of crops, horticulture, gardening and other similar uses.

**Agricultural industry or Business.** An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, or storage, including but not limited to food packaging or processing plants, and similar uses as determined by the planning commission with a conditional use permit. This definition does not include hog farms, commercial poultry businesses or rendering facility.

**Alley.** A public thoroughfare less than twenty-six (33) feet wide.

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

**Animal Waste.** The excrement and discharge from an animal, or animal carcasses, tissues, or any other substance or material capable of transmitting disease or disease-carrying agents.

**Animal Hospital or Veterinary Offices.** An establishment where animals are medically treated, lodged or trained by a licensed veterinarian.

**Antenna.** A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

**Antenna, Freestanding.** An antenna mounted on the roof of or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

**Antenna, Roof Mounted.** An antenna or series of individual antennas mounted on the roof of a building.

**Antenna, Temporary.** An antenna used for a time period of less than thirty (30) days.

**Antenna, Wall Mounted.** An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

**Antenna, Whip.** An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional and vary in size depending upon the frequency and gain for which they are designed.

**Apartment Hotel.** Any building that contains dwelling units and also satisfies the definition of a hotel, as defined in this Title.

**Apartment House.** A building that contains four or more dwelling units primarily for rent or lease or a building that contains an apartment or apartments and also contains other approved uses such as office or retail space.

**Appeal Authority.** A 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.

**Applicant.** The owner of the property that is the subject of the application, or the owner's agent.

**Application.** A written request for development approval including, but not limited to an alteration or revision to an approved Master Planned Development, Conditional Use Permit, zoning or rezoning, Subdivision or Annexation. The term "Application" shall not include any building permits associated with

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## TITLE 12-2 DEFINITIONS

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construction within an approved subdivision or on an existing platted lot unless otherwise specified.

**Assembly Facility.** A facility where parts are put together to develop a final product. Generally referring to automobile, computer and electronic assembly.

**Assisted Living Center.** "Assisted living center" means residences that provide for semi-independent living. Such facilities may be (1) equipped with studio or one bedroom apartments with limited kitchen facilities, generally designed for single occupancy; (2) contain central dining facilities where prepared meals are served to the residents; (3) employ full time nursing or medical assistance and supervision; and (4) may provide other additional services to residents.

**Athletic Club.** An establishment providing facilities for physical development exercise, sports, or recreation. Facilities may include exercise equipment indoor and/or outdoor racquetball or tennis courts, jogging track, swimming pools, ice skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

**Auto Wrecking, Salvage Yard.** The use of any lot, portion of lot or tract of land for the storage and keeping of salvage, including scrap metals or other scrap material, unlicensed/inoperable vehicles or for the dismantling or demolition of obsolete automobiles or equipment machinery, or parts thereof. This definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone district.

**Auto, Truck, Recreational Vehicle and Equipment Sales and Rental.** Sales of both new and used motor vehicles and equipment stored and displayed both indoors and on outside lots, but not to include non-serviceable or junk vehicles or equipment.

**Automotive Repair Establishment.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment. Establishments involving auto body repair and painting services will require a conditional use permit. Not included are automotive salvage yards.

**Automotive Self-Service Station.** An establishment for the retail sale of automobile fuels and lubricants, at which the customer provides the service to his own vehicle, and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity. Stations located at interstate exchanges catering to semi-trucks, which also include accommodations for truckers, also known as truck stops, require a conditional use permit.

**Automotive Service Station.** An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle and related fuel, oil, or lubricant. Secondary activities may include minor automotive repair, maintenance, or automatic car wash.

**Aviation Airport Services.** Area containing an aviation landing strip, runway, hanger or other related services needed for aircraft.

**Balcony.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet or balustrade.

**Banking or Financial Service.** A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.

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## TITLE 12-2 DEFINITIONS

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**Bar, Tavern, Lounge, and Club.** An establishment intended primarily for the on-premises sale and consumption of alcoholic beverages, open either to the public or operated as a nonprofit private club for members only.

**Basement.** A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement and as a half-story for purposes of side-yard determination.

**Bed and Breakfast.** A building where, for compensation, meals and lodging are provided for at least five (5) but not more than fifteen (15) persons.

**Appeal Authority.** An individual or group of individuals appointed by the City Council through resolution, or, in the event of no such appointment being made, a board made up of the Delta City Council as provided in this ordinance.

**Bond, Public Improvement.** A one (1) year guarantee to the City that all public improvements have been installed to City specifications and will operate properly.

**Building.** Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property of any kind.

**Building Area.** The portion of a lot that is within the envelope formed by the required yards or setbacks, within which a structure can be located.

**Building Height.** The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**Building Inspector.** Delta City official known as the construction enforcement officer who is designated to inspect building under construction and upon completion.

**Building, Main.** A building within which the principal land use of the lot is conducted.

**Business.** Any activity carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real property, the manufacturing of goods or property and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, occupation, non-profit organization or other calling.

**Business Commercial, less intensive.** A business that does not include automotive, heavy equipment or 24-hour uses. May be with or without a drive up window.

**Canopy.** A roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

**Carport.** A roofed structure, open on at least three sides, designed for or occupied by private passenger vehicles. Except for in the case of a permitted encroachment pursuant to 12-20-2, for the purposes of this ordinance, a carport shall be subject to all regulations prescribed for a private garage.

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## TITLE 12-2 DEFINITIONS

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**Cemetery, Columbarium, Crematory, Mausoleum.** Land or buildings used for the cremation, burial, or interment of the human dead but not including facilities for embalming.

**Chief Executive Officer.** The Mayor of Delta City.

**Child Care, Center.** The provision of child care for business for eight (8) or fewer children, including the provider's children who are under the age of eighteen (18), within a dwelling unit.

**Child Care, Facility.** The provision of child care for business for nine (9) or more children including the provider's children who are under the age of eighteen (18).

**Child Placing.** Receiving, accepting, or providing custody or care for any child under 18 years of age, temporarily or permanently, for the purpose of: finding a person to adopt the child; placing the child temporarily or permanently in a home for adoption; or foster home placement.

**Church.** A building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the State of Utah.

**Cinema Outdoor.** An establishment at which motion pictures are projected onto an outdoor screen for viewing by patrons seated in parked motor vehicles.

**Cinema, Indoor.** An enclosed building used primarily for the presentation of motion pictures.

**Civic Club, Fraternal Organization.** A building or use, other than a church or school, operated by a nonprofit association or organization for a social, fraternal, political, civic, or philanthropic purpose, which may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

**Clear Vision Area.** An area outlined by the sight distance triangle where solid fencing or natural vegetation is restricted to a height of three (3) feet and where all structures or other items that would obstruct vision are prohibited. See Sight Distance Triangle.

**Club, Private.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

**Co-location.** The location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a freestanding structure of its own.

**Coal Yard.** The storage of coal in quantities in excess of ten (10) tons and/or the retail or wholesale sale of coal.

**Complete Application.** A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

**Conditional Use.** A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

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## TITLE 12-2 DEFINITIONS

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**Congregate Living Facility.** A residence in which three (3) or more persons unrelated to the owner or provider reside, including but not limited to youth homes, residential facilities for the disabled, residential facilities for the elderly.

**Condominium.** Any structure or parcel that has been submitted to fractionalize ownership under the provisions of the Utah Condominium Ownership Act.

**Conservation Easement.** An easement designed to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

**Convenience Goods Sales and Services.** Stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, dry cleaning pick-up and uses considered similar and compatible.

**Constitutional Taking.** Final action by the City to physically take or exact private real property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

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

**Council.** Members of the City Council of Delta.

**County.** The unincorporated area of Millard County.

**Coverage.** The percent of the total site area covered by structures or impervious paving other than those accepted in this ordinance.

**Cul-de-sac.** A minor street having an open end and being terminated at the other end by a vehicle turnaround.

**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, Civic Services.** A building primarily used for the public, nonprofit display of art, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room.

**Dairy.** A commercial establishment housing animals for the processing and/or retail sale of dairy products.

**Delta City Consolidated Fee Schedule ( or "Fee Schedule").** A document adopted by resolution of the Delta City Council listing fees charged by Delta City to offset regulatory and administrative service costs of Delta City.

**Development.** The act, process or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating or filling of such property. This definition includes construction activity.

**Disability.** Means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having

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## TITLE 12-2 DEFINITIONS

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such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

**Disabled Care.** A long-term care residential facility for disabled persons, persons suffering from a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment.

**District.** A portion of the area of Delta City, Utah shown on a zoning map (attached to this ordinance) and given a zone classification as set forth in this ordinance.

**Drive Test, Antenna.** A temporary antenna, which is used for field-testing of telecommunications signals and possible locations but does not provide telecommunications to customers.

**Dry-Cleaning Establishment.** An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics and patron-operated dry-cleaning machines associated with Laundromats.

**Dwelling.** Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, and tourist cabins.

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

**Dwelling, Multiple-Family.** A building arranged or designed to be occupied by more than four families.

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

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

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

**Easement.** A negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

**Elderly Care.** A long-term care residential facility for the elderly. The term does not include a health care facility.

**Elderly Person.** A person who is sixty (60) years old or older, and who desires or needs to live with other elderly persons in a group setting, who may or may not be capable of living independently.

**Equipment Shelter.** A structure used to house equipment for telecommunications facilities.

**Escrow.** A deposit of cash with the City or an approved, alternate security in lieu of cash held to ensure a guarantee.

**Farm Animals/Livestock.** Animals other than household pets that may, where permitted, be kept and maintained on private property.

**Fee Schedule.** See Delta City Consolidated Fee Schedule.

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## TITLE 12-2 DEFINITIONS

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**Fence.** A physical barrier to delineate, contain, or designate an area designed for a specific use, such as an enclosure for a dwelling unit, an area of storage, etc.

**Fence, Electric.** A fence wired with low voltage (12 volt maximum) electricity.

**Fence, Razor.** A fence with razor coil, cable or tooth wire along certain portions.

**Fence, Wildlife.** Open fencing allowed at a height six (6) feet or higher when a need is shown to protect animals from entering or leaving an area.

**Final Action.** The latter of the final vote or the approved, written decision on a matter.

**Final Plat.** A recordable Subdivision or condominium map.

**Fireworks Sales/Stands.** The temporary display and sale of legally allowed fireworks. This use requires a business license and a temporary permit issued from the Delta City Fire Chief or his/her designee after the business has had a satisfactory fire inspection.

**Floor Area, Gross.** The area of a building, including all enclosed areas designed for human occupation. Gross floor area does not include unenclosed porches, balconies, patios and decks, vent shafts, courtyards or garages, up to a maximum floor area of six-hundred (600) square feet.

**Floor Area, Net Leasable.** Gross Floor area excluding common hallways, mechanical and storage areas, and restrooms.

**Floor Area Ratio (FAR).** The maximum allowed Gross Floor area divided by the area of the Lot or Parcel.

**Front.** The front side of a lot or parcel shall be that side which abuts a street or land on which vehicular ingress or egress to the lot occurs.

**Frontage.** The length of the property line of the lot fronting on one side of a street.

**Gated Community.** A subdivision or residential area where primary access is regulated through a gated entry point.

**Garage, Commercial.** A building other than a private garage used for the temporary parking of automobiles with or without a fee.

**Garage, Private (including unencroaching Carport).** A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

**General Merchandise Sales and Related Services.** Stores, department stores, or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailers or lumber.

**General Plan.** A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Sections 10-9a-401 and 10-9a-302 of the Utah Code.

**Governing Body.** The Delta City Council.

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## TITLE 12-2 DEFINITIONS

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**Grade.**

- A. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
- B. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- C. For buildings having no wall adjoining the streets, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings.

All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

**Group Home.** "Group home" means a profit or non-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter may also provide some combination of personal care, social, or counseling services, and transportation. Group home includes congregate facilities for all persons.

**Handicapped Person.** A person who has a severe, chronic disability that is attributable to mental or physical impairments, that is likely to continue indefinitely, and that results in a substantial functional limitation in three (3) or more of the following areas of major life activity: capacity for independent living; economic self-sufficiency; learning; mobility; receptive and expressive language; self-care; self-direction; and requires special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**Health Care Center (Convalescent Center).** A publicly-or-privately-operated facility, other than a hospital, intended for the long-term, in-patient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.

**Health Department.** The Utah State Division of Environmental Health or local health agency having jurisdiction.

**Heavy/Farm Equipment Sales.** Vehicles or equipment in excess of one (1) ton used in farming, construction or other related services.

**Height, Building.** The vertical distance from the existing grade to the highest point of the cornice of a flat roof or to the deck line of a mansard roof or to the midpoint of the highest gable of a pitch or hip roof.

**Home Occupation.** Any use conducted entirely within a single family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building, not normally associated with residential use. There shall be no advertising of any kind in connection with the home occupation, there shall be no employees outside of the family residing in the dwelling unit. There shall be no perceivable increase in local traffic. A home occupation may include emergency consultation, but shall not be for the general practice or profession.

**Hospital.** An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for in-patients, and including as related facilities, laboratories, outpatient

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## TITLE 12-2 DEFINITIONS

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departments, training facilities, and staff offices, but not including clinics or health care centers.

**Hotel.** A building designed or occupied as the more-or-less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged, with or without meals.

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

**Inaction.** An application is inactive and subject to denial on the basis of inactivity if, through the act or omission solely of the applicant and not of the City:

- A. More than six (6) months has passed since a request for additional information was made by the City without a response from the applicant;
- B. Upon notice the applicant is more than sixty (60) days in default of the payment of any fee assessed by resolution, or has not paid the fee under protest;
- C. The applicant has stated an intent to abandon the project; and
- D. The application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

**Industrial (or Research) Park.** A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

**Industry, Light.** The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment entirely within an enclosed structure, with no outside storage, serviced by small (3/4 ton) trucks or vans, and imposing a nearly negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants.

**Industry, Medium.** The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment within an enclosed structure, or an open yard that is capable of being screened from neighboring properties, is serviced by trucks or other vehicles, and whose environmental impact is within the industrial performance standards as outlined in this ordinance.

**Itinerant Merchant.** Any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.

**Intermittent Use.** A temporary business of selling and delivering goods, wares and merchandise within the City of Delta.

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## TITLE 12-2 DEFINITIONS

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

**Kennel, Commercial.** A shelter for or a place for three (3) or more dogs or cats are bred, boarded, or trained for monetary gain.

**Kennel, Private.** A shelter for or a place for three (3) or more dogs or cats are cats are bred, boarded, or trained for no monetary gain.

**Code Enforcement Officer** The Delta City official known as the zoning and land use enforcement officer. The Code Enforcement Officer shall be one and the same as any reference in any Delta City Ordinance, Resolution, or Policy that references a "Zoning Officer", "Land Use Administrator" or any other title of a public official with duties regarding zoning and land use enforcement and shall have any and all discretion, duties, and responsibilities as set out in such Delta City Ordinance, Resolution, or Policy.

**Land Use Application.** An application required by a municipality's land use ordinance.

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

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

**Laundromat.** An establishment in which patrons wash, dry, or dry-clean clothing and other fabrics in coin-operated, self-service machines.

**Laundry.** An establishment at which clothing and other fabrics are washed and pressed. Excluded from this definition are dry-cleaning establishments and Laundromats.

**Lattice Tower.** A self-supporting multiple-sided, open steel frame structure used to support telecommunications antenna equipment.

**Legislative Body.** The Delta City Council.

**Leasable, Gross.** Total area including hallways, mechanical equipment room and common bathrooms.

**Leasable, Net.** Total area excluding hallways, mechanical equipment room and common bathrooms.

**Liquor Store.** A retail sales store authorized by the Utah Department of Alcoholic Beverage Control to sell packaged alcoholic beverages for off-premise consumption.

**Local Jurisdiction.** Delta City.

**Lot.** A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width, and lot area as are required by this ordinance and having frontage upon a street. More than one dwelling structure may be built on a lot only in cases where the lot is of such size as to provide such required lot area, yards, and frontage for each dwelling structure as are required for the first dwelling structure on the lot.

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## TITLE 12-2 DEFINITIONS

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**Lot, Corner.** A lot situated at the intersection of two (2) Streets, the interior angle of such intersection does not exceed one hundred thirty five degrees (135°). A corner lot fronts two (2) streets.

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

**Lot Line.** Property lines bounding the lot.

**Lot, Width.** The minimum distance between the side lot lines at the front yard or front building facade. For three (3)-sided lots, the minimum distance between the rear and side lot lines at the front yard or front building facade.

**Lot Line, Front.** The property line dividing a lot or parcel from the right-of-way of the street from which structure takes access.

**Lot Line, Rear.** The property line opposite the front lot line.

**Lot Line, Side.** Any lot or property line other than a front or rear lot line.

**Low Power Radio Services Facility.** An unmanned structure, which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

**Lumber Sales and Storage.** The sale and display of lumber and building supplies, including the outside storage of lumber and related merchandise.

**Manufacturing Use.** Research and development facilities, testing laboratories, and facilities for the production, fabrication, processing, or assembly of goods and products.

**Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 C.F.R. § 3282.13 and complies with the standards set forth in 24 C.F.R. part 3280.

**Massage Therapy Services.** See Office, Professional.

**Master Planned Development (MPD).** A form of development characterized by a comprehensive and unified Site: plan and design reviewed under the Master Planned Development review processes described in each zone chapter of this code. The MPD generally includes a number of housing units; a mix of building types and land uses; clustered buildings designed to integrate one with another and to complement the surrounding land uses; significant open space; flexible in interior setbacks, heights, and density; and valued community amenities.

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## TITLE 12-2 DEFINITIONS

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**Medical Clinic.** See Office, Professional.

**Mental Health Center.** A publicly-or-privately-operated facility, intended for the diagnosis and treatment of mental or emotional disorders.

**Military Surplus Goods/Store.** New or used military equipment, vehicles, or supplies, which are available for resale to the general public.

**Mixed Use, Commercial.** Development which incorporates a mix of uses, including retail commercial, and/or offices and residential.

**Mixed Use, Horizontal.** Commercial and residential uses which are within close proximity to each other and designed in a "village" manner, but not necessarily within the same building structures.

**Mixed Use, Vertical.** Commercial and residential uses, which are within the same building structure.

**Mobile Home.** A detached single-family dwelling unit of not less than thirty (30) feet in length, designed for long-term occupancy and to be transported on its own wheels or on a flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other work. Presectionalized modular, or prefabricated houses not placed on permanent foundations, shall be regarded as mobile homes and only authorized in mobile home parks.

**Mobile Home Lot.** A designated portion of a mobile home park, designed for the accommodation of one mobile home and its accessory buildings or structures which complies with all relevant building codes and ordinances.

**Mobile Home Pad.** Part of the mobile home space which has been prepared and reserved for the placement of one mobile home.

**Mobile Home Park.** A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of subdivisions.

**Mobile Home Park Plumbing System.** The park sewer and water supply systems within the park property line.

**Mobile Home Service Building.** A building which is not a mobile home which houses separate toilet and bathing facilities for men and women and which may also have laundry facilities, flushing-rim sink, and other facilities as may be required by the ordinances of the City of Delta.

**Mobile Home Park Sewage System.** Any pipe or line not built into the mobile home which is used for the disposal of human waste.

**Model Home.** A dwelling unit used initially for display or marketing purposes, with a certificate of occupancy, which typifies the units that will be constructed.

**Modular Home.** A permanent dwelling structure built of prefabricated units which are assembled and erected on the site, and which meets the International Building Code.

**Monopole.** A single cylindrical steel or wood pole that acts as the support structure for antennas.

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## TITLE 12-2 DEFINITIONS

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**Monument Sign.** A sign six (6) feet or less in height which is flush to the ground.

**Mortuary, Funeral Home.** An establishment in which the human dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services, spaces for informal gatherings, and related accessory uses.

**Motel.** A building or group of buildings containing individual sleeping units designed and used primarily for the accommodation of transient automobile travelers and with automobile parking immediately accessible.

**Municipal Facilities.** Those improved properties owned by the municipality, or the public.

**Natural Waterways.** Those areas, varying in width, along streams, creeks, springs, gullies, or washes that are natural drainage channels as determined by the building inspector.

**New Development.** Any new construction activity.

**Noncomplying Structure.** A structure that legally existed before its current zoning designation and because of a zoning change, does not conform to the zoning district's development standards.

**Nonconforming Sign or Sign Structure.** A sign or sign structure or portion thereof lawfully existing prior to August 16, 2012, which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

**Nonconforming Use.** A use of a lot or parcel that legally existed on the lot or parcel before its current zoning designation; has been maintained continuously for the preceding twelve months; and does not conform with the zoning regulations that now govern the land.

**Nursery.** A business that grows, cultivates, and/or distributes and sells plants and other landscaping or horticulture related items.

**Nursing Home.** A business described also as a "rest home," or "convalescent home," other than a hospital, in which persons are lodged long-term and furnished with care rather than diagnoses or treatment.

**Office, Business or Government.** A place intended for the conduct of administration or services by a business enterprise or unit of government.

**Office, Professional.** A place intended for the conduct of a recognized learned profession. Such uses include offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices, massage therapist, and similar uses). Other professions so defined would include, but not be limited to, accountants, architects, engineers, and lawyers. Definition does not allow for in-patient care facilities or adult oriented businesses.

**Official Streets Master Plan.** As adopted by the City Council, the designation of each existing and planned street and right-of-way, and those located on approved and filed plats, for the purpose of providing for the development of the streets, highways, roads, and rights-of-way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each street and right-of-way is based upon its location in the respective zoning district of the City, its present and estimated future traffic volume and its relative importance and function.

**Official Zoning Map.** The map adopted by the City Council pursuant to law showing the streets, zoning districts, and City boundaries; and any amendments or additions thereto resulting from the approval of

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## TITLE 12-2 DEFINITIONS

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rezones, subdivision or annexation plats and the subsequent filing of such approved plats.

**Open Space.** Space reserved in parks, courts, playgrounds, golf courses, and other similar open areas and those areas reserved to meet the density requirements of planned unit development.

**Ordinary High Water Mark.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means, which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

**Outdoor Recreation, Park or Playground (Public or Private).** An area free of buildings except for rest rooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

**Outdoor Recreational Uses.** Recreational activities involving off highway vehicles and similar motorized vehicles for recreational use and horse arenas, equestrian parks and equine activity, including but not limited to equine shows, fairs, competitions, performances, racing or sales that involve any breed of equines and any equine disciplines; boarding or training equines and teaching persons equestrian skills. The Planning Commission may also determine other equine activities that are consistent with this section.

**Owner.** Any person, or group of persons, having record title to the property sought to be developed or subdivided and the owner's agent.

**Parcel.** An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

**Parking Area.** An un-enclosed area or lot other than a street used or designed for parking, nine (9) by eighteen (18) feet.

**Parking Area, Private.** An open area, other than a street, used for the parking of the automobiles of occupants of a dwelling, hotel, or apartment hotel.

**Parking, Public.** A parking area or parking facility to be used by the public for fee or otherwise.

**Parking, Residential.** A parking area or structure used exclusively for residential, non-commercial uses.

**Parking, Shared** The development and use of parking areas on two (2) or more separate properties for joint use by the businesses or residents on those properties.

**Parking Space, Automobile.** A space within a building or a private or public parking area, exclusive of driveways, ramps, columns, and office and work areas, for the parking of one automobile.

**Pawn Shops.** A business dealing in or collecting used or second hand merchandise or personal property, which has been legitimately obtained.

**Personal Services.** Establishments primarily involved in providing personal grooming and related services. This definition shall include barbershops, beauty parlors, tailors, massage services, but not laundries or dry-cleaners.

**Person.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

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## TITLE 12-2 DEFINITIONS

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**Pet Grooming.** The grooming of small pets such as dogs and cats, provided that no more than five (5) animals may be on the premises at one time and that no lodging of animals is allowed.

**Planning Commission.** The Delta City Planning Commission.

**Plat.** A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code § 10-9a-603. See 12-7 Development Standards.

**Preschool.** The education or teaching of children including kindergarten preparation, music lessons, etc.

**Preliminary Plat.** The preliminary drawings of a proposed subdivision, specifying the layout, uses, and restrictions.

**Property.** Any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of, the same person or persons.

**Property Line.** The boundary line of a parcel or lot.

**Property Line, Front.** That part of a parcel or lot, which abuts a street.

**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 Utah Title 52, Chapter 4, Open and Public Meetings.

**Public Improvement.** Any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

**Public Right of Way.** An area of land that is legally described in a registered deed for the provision of public access.

**Public Service.** Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

**Public Street.** A street, including the entire right of way, which has been dedicated to and accepted by the City of Delta or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

**Public Utility Stations.** A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements.

**Reasonable Notice.** The requirements of reasonable notice are met if notice of hearing or meeting is posted in at least three (3) public places within the jurisdiction and/or notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction or if actual legal notice of the hearing or meeting is given.

**Record of Survey Map.** A graphic illustration of a survey of land prepared in accordance with state laws.

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## TITLE 12-2 DEFINITIONS

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**Recreational Vehicle.** A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer and a van.

**Recreational Vehicle Park (Travel Trailer Park).** Any area or tract of land or separately-designated section where lots are rented to one (1) or more owners or users of recreational vehicles for a temporary time.

**Religious, Educational Institute.** A 28 U.S.C. 501(c)(3) non-profit organization engaged in teaching, community programs, or spiritual endeavors, which qualifies as a tax-exempt religious institution under Title 28 of the U.S. Code.

**Repair Services, Small Appliance or Equipment.** An establishment for the repair of household or other small appliances or equipment and at which no such appliances or their parts are stored out-of doors.

**Residential Facility for the Disabled/Residential Facility for Persons with a Disability.** A facility that is occupied by three (3) to five (5) unrelated persons with disabilities on a twenty-four (24) hour per day basis in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah Department of Human Services - Division of Services for People with Disabilities or Health and is operated by or under contract with that department. Such facilities shall not include facilities for the following: Secure Treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment as defined in 62A-1-101 UCA.

**Residential Facility for the Elderly.** A long-term care residential facility for elderly Persons. The term does not include a health care facility.

**Residential Support.** Arranging for or providing the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support.

**Residential Treatment Center.** A twenty-four (24) hour group living environment for three (3) to nine (9) individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments. For the purposes of this section, Residential Treatment Center shall not include facilities for comprehensive substance abuse treatment or domestic violence treatment as defined in 62A-2-101 UCA.

**Resource Family Home.** A home licensed to provide services to a child in the custody of the state and includes a foster care home and a legal risk home.

**Restaurant, Fast Food, Drive-In.** An establishment distinguished from a traditional sit-down restaurant in that service is provided from a counter or window for consumption either off or on the premises; on-premise consumption normally requires considerably less time than consumption in a traditional restaurant. Service may also be provided to customers in automobiles by use of an outside drive-up window; parking is provided immediately adjacent to the building. This definition includes also specialty food stores such as ice cream parlors or delicatessens, having counter or window service.

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## TITLE 12-2 DEFINITIONS

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**Restaurant, Café, Confectionery.** An establishment where food is prepared and served to customers for consumption on the premises.

**Resubdivision.** A change in a map of an approved or recorded subdivision plat if such change affects any right-of-way, or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

**Right-of-Way.** A strip of land, dedicated to public use that is occupied, or reserved to be occupied, by a Street, crosswalk, trail, stairway, railroad, road, utilities or for another special use.

**Road Classification.** The streets, highways, roads, and rights-of-way designated on the streets Master Plan.

**Road, Right-of-Way Width.** The distance between property lines measured at right angles to the centerline of the street.

**Roof.** The building element, which covers the top of the structure as the walls enclose the sides.

**Sanitary Sewer Authority.** The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

**Satellite Receiving Station.** Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbital based uses. This definition includes but is not limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae.

**School, Private or Quasi-Public.** A school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. This definition shall not include commercial schools.

**School, Public.** An educational facility operated by a school district or other public agency of the State of Utah.

**Screen or Screened.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

**Secure treatment.** Twenty-four (24) hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.

**Senior Citizen Center.** A government sponsored public building, other than a church or school, serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

**Setback.** The required minimum distance between a Building or Structure and the closest of the following: Property Line; Platted Street; or Existing curb or edge of a street.

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**Shopping Center, Neighborhood.** A planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.

**Shopping Center, Community (Retail Business).** A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket.

**Sign(s)** means a presentation of words, letters, figures, designs, pictures or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid; also the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

**Billboard** means a free standing ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product or service that is not sold, offered or existing on the property where the sign is located. For purposes of this definition, a billboard shall be considered to be an off-premises sign.

**Convert** means to change a billboard sign face from its existing, non digital surface to a digitally-controlled surface.

**Directional signs** means signs containing information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned, natural phenomena, historic, cultural, scientific, educational, or religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation.

**Erect (a)** means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being;

**Erect (b)** does not include any activities defined in subsection (a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.

**Maintain or maintenance** means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or by acts of God. Owner or lessee of a sign may repaint, redecorate and/or change letters or panels on his/her own sign.

**Official signs and notices** means signs and notices erected and maintained by Delta City within its territorial or zoning jurisdiction for the purpose of carrying out official duties or responsibilities in accordance with direction and authorization contained in federal, state or local law.

**Off-premise signs** means signs which advertise(s) or direct(s) attention to a use(s), product(s), commodity(ies) or service(s) not related to the premises on which it is located. For purposes of this Title, if a sign advertises for uses, products, commodities or services on the property where the sign is located and for uses, products, commodities or services not related to the property, the sign shall be deemed an off-premise sign.

**On-premise signs** means signs which advertise or direct attention to a commercial building or a use conducted, a commodity sold or a service performed on the premises where the sign is located.

**Person** means a natural person or individual, corporation, organization or other legal entity.

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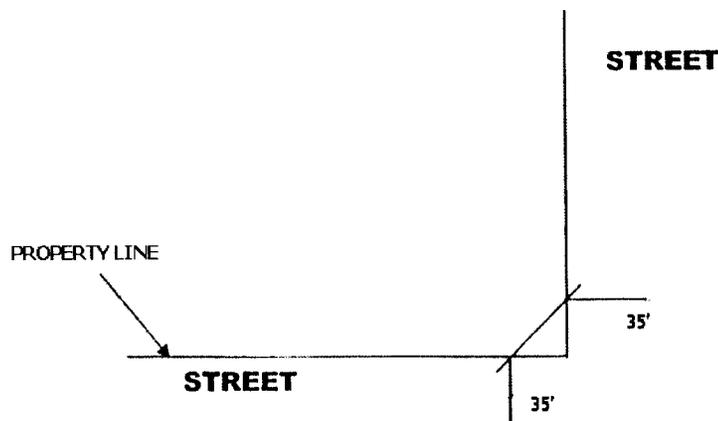
**Sign Setback** means the minimum distance that any portion of a sign or sign structure shall be from any street property line.

**Significant Vegetation.** Includes all large trees six (6) inches in diameter or greater measured four and one-half (4 ½) feet above the ground, all groves of small trees, and all clumps of oak or maple covering an area fifty (50) square feet or more measured at the drip line.

**Site Development Standards.** Regulations unique to each zone concerning standards for Development including, but not limited to lot areas, setbacks and building height.

**Site Distance Triangle.** A triangular area at the intersection of two (2) streets bounded by property lines connecting them at points thirty-five (35') from the intersection of the two (2) property lines.

### Diagram – Typical Site Triangle Area Guide



**Concept Plat.** A sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

**Slope.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure to a percentage value.

**Small Engine Repair.** An establishment engaged in the repair and maintenance of small engines with an engine displacement size no greater than two-thousand (2000) cc. This includes but is not limited to: motorcycles, OHV's, ATV's, home and garden tools and equipment, outboard motor watercraft (engine removed), snowmobiles, chainsaws and other similar small engines.

**Solicitation.** "Soliciting" or "Solicit" or "Solicitation" means any of the following activities:

- A. Seeking to obtain Sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought.

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- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications.
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or Entity.
- D. Seeking to obtain orders or prospective customers for Goods or Services.
- E. Seeking to engage an individual in conversation at a Residence for the purpose of promoting or facilitating the receipt of information regarding Charitable conduct, or a Home Solicitation Sale.
- F. Other activities falling within the commonly accepted definition of "Soliciting," such a hawking or peddling.

**Solicitors.** Means a person(s) engaged in door-to-door solicitation.

**Special District.** An entity established under the authority of Utah Title 17 A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district or unit of the state.

**Stable, Private.** A detached accessory structure used for the keeping and housing of livestock by the occupants of the premises.

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

**Stealth Telecommunications Facility.** A telecommunications facility, which is disguised as another object or otherwise concealed from public view.

**Storage Land Sea Containers.** Any trailer commonly described as a storage container or storage unit, including, but not limited to semi-trailers, cargo trailers and any other similar unit with a storage space of greater than one-hundred-twenty (120) square feet.

**Story.** A habitable level within a building serving to define the building height. Basements that emerge less than four (4) feet from grade or attics not exceeding four (4) feet at the kick wall shall not constitute an additional story.

**Story, Half.** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

**Stream.** A naturally fed watercourse, that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

**Stream Corridor.** The corridor defined by the stream's ordinary high water mark.

**Street.** A private or public right-of-way including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easements, or other way.

**Street, Access.** A street that serves a small number of dwellings and usually does not allow through traffic. Usual ADT (average daily traffic) range is zero (0) to two-hundred-fifty (250) vehicles.

**Street, Arterial.** A street which provides for through traffic movement between areas and across the city,

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with moderate access to abutting property subject to necessary control of entrances, exits, and curb use and also provides access to highways. Arterials are not usually included in residential street plans. Maximum ADT is three-thousand plus (3,000 +) vehicles.

**Street, Collector.** A street that provides for a high volume of traffic movement between major arterials and local streets, and direct access to abutting property. Usual ADT range is one-thousand (1,000) to three-thousand (3,000) vehicles.

**Street, Local.** A street that provides for direct access to abutting land and for local traffic movements.

**Street, Private.** A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more lots.

**Street, Public.** A street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee. A public thoroughfare, which affords principal, means of access to abutting property and has a right-of-way that exceeds twenty-six (26) feet in width. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

**Street, Subcollector.** A street which conveys traffic to more dwellings and includes through traffic between access streets and collectors. Usual ADT range is two-hundred-fifty (250) to one-thousand (1,000) vehicles.

**Streetscape.** The distinguishing characteristics of a particular street including paving materials, adjacent space on both sides of the street, landscaping, retaining walls, sidewalks, building facades, lighting, medians, street furniture and signs.

**Structure.** Anything constructed, the use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building."

**Structure, Pre-existing.** A structure, which was legally constructed prior to August 16, 2012.

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

**Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, Parcels, Site, 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 residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. "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 zoning ordinance;
- B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  1. No new lot is created; and
  2. The adjustment does not result in a violation of applicable zoning ordinances; or

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3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
- C. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under State law as to the unsubdivided parcel of property or subject the unsubdivided parcel to the subdivision ordinance.

**Subdivision, Major.** All subdivisions of ten or more lots, or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the General Plan, official zoning Map streets Master plan, or these regulations.

**Subdivision, Minor.** Any subdivision containing less than (10) lots that may require the recordation of a plat and all or part of the development requirement of a major subdivision, and not in conflict with any provision or portion of the General Plan, official zoning Map streets Master plan, or these regulations.

**Subdivision Plat.** The final map or drawing, on which the applicants plan of subdivision is presented to the City Council for approval and which, if approved, may be submitted to the County Recorder for filing.

**Subdivision, Simple Lot.** Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Land Use Map, Street Master Plan, or these regulations. Subdivisions qualifying as a simple lot subdivision are exempt for the plat requirement.

**Surplus, Second Hand Store.** An establishment that sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, military surplus, and other heavy equipment.

**Technical Necessity.** A particular design, placement, construction or location of a telecommunications facility that is technically necessary for telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

**Telecommunications.** The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

**Telecommunications Facility.** A telecommunications facility of more than thirty-five (35) feet in height consisting of antenna, equipment shelters, and related structures used for transmitting and/or receiving telecommunications and/or radio stations.

**Temporary Outdoor Use.** A use, activity, vending cart, special event, or commercial use outside that is not permanent in nature and after a seventy-two (72) hour time period ceases or is removed.

**Temporary Use.** A use, activity or special event that is not permanent in nature and after a designated time period ceases or is removed.

**Theater, Concert Hall.** A building or amphitheatre used primarily for the presentation of live stage productions or performances.

**Tobacco Specialty Business, Retail.** Means a commercial establishment in which:

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## TITLE 12-2 DEFINITIONS

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- A. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- B. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- C. the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
- D. and as further defined by U.C.A. 10-8-41.6, as amended.

Tobacco Product. Means:

- A. any cigar, cigarette, or electronic cigarette as defined in U.C.A. 76-10-101, as amended;
- B. a tobacco product as defined in U.C.A. 59-14-102, as amended, including:
  - 1. Chewing tobacco; or
  - 2. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
- C. tobacco paraphernalia as defined in U.C.A. 76-10-104.1, as amended.

**Trailer, Travel.** See *Recreational Vehicle*.

**Transfer Station.** A facility designed for the transfer and transport of solid waste.

**Travel Park.** See *Recreational Vehicle Park*.

**Unincorporated.** The area outside of the incorporated boundaries of cities and towns.

**Use.** The activities occurring on a lot or parcel of land for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied, including all accessory uses.

**Use, Pre-existing.** A use, which validly existed prior to August 16, 2012 and has not been abandoned for more than six (6) months.

**Vending Cart.** A small wheeled, non-motorized vehicle from which to sell food and/or merchandise for immediate consumption or use.

**Warehouse Storage Units.** A building in which goods, merchandise, or equipment are stored for eventual distribution, or for which storage space is rented.

**Welding Machine Shop.** A building or structure where pieces of metal are welded.

**Yard.** An open space on a lot, unoccupied and unobstructed from the ground upward.

**Yard, Front.** An open, unoccupied space, in the same lot with a building, between the front line of the main building and the street line and extending for the full width of the lot.

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## TITLE 12-2 DEFINITIONS

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**Yard, Rear.** A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line. On lots that are not rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of the main building directly to the rear lot line.

**Yard, Side.** An open, unoccupied space, except as otherwise provided in this ordinance, on the same lot with the building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

**Youth Home.** A twenty-four (24) hour group living environment for three (3) to five (5) persons under the age of eighteen (18), unrelated to an owner or operator that offers room, board or specialized services to residents. Youth Home may include facilities for the following: resource family home, child placement, or residential support as defined in Chapter 62A UCA. Youth Home shall not include facilities for the following: secure treatment, inpatient treatment, residential treatment, adult day care, day treatment, comprehensive mental health treatment, youth program, comprehensive substance abuse treatment, or domestic violence treatment as defined in Chapter 62A UCA.

**Youth Program.** A nonresidential program, designed to provide behavioral, substance abuse or mental health services to minors that:

- A. serves either adjudicated or non-adjudicated youth;
- B. charges a fee for its services;
- C. may or may not provide host homes or other arrangements for overnight accommodation of the youth;
  1. may or may not provide all or part of its services in the outdoors;
  2. may or may not limit or censor access to parents or guardians; and
  3. prohibits or restricts a minor's ability to leave the program at any time of his own free will.
  4. "Youth Program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

**Zoning map.** A map, also known as a land use map, adopted as part of a land use ordinance that depicts land use zones, overlays or districts.

# Exhibit B

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## TITLE 12-3 ADMINISTRATION AND ENFORCEMENT

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### TITLE 12-3 ADMINISTRATION AND ENFORCEMENT

12-3-1	AMENDMENTS TO THE ZONING CODE OR MAP
12-3-2	REVIEWING BODIES
12-3-3	ALLOWED USE REVIEW
12-3-4	CONDITIONAL USE/ADMINISTRATIVE CONDITIONAL USE REVIEW
12-3-5	MASTER PLANNED DEVELOPMENT REVIEW
12-3-6	SIGN PERMIT REVIEW
12-3-7	TELECOMMUNICATIONS REVIEW
12-3-8	NOTICE
12-3-9	TERMINATION OF PROJECTS FOR INACTION/ABANDONMENT
12-3-10	PENALTIES
12-3-11	LICENSING
12-3-12	APPEALS AND RECONSIDERATION PROCESS
12-3-13	CONSTITUTIONAL TAKINGS REVIEW AND APPEAL
12-3-14	NOTICE MATRIX

12-3-1 **AMENDMENTS TO THE ZONING CODE OR MAP.** Amendments to this Title shall be made in the following manner:

- A. **APPLICATION.** An applicant must file a written request for amendment with the Code Enforcement Officer. The City Council, Planning Commission, or owner applicant may initiate an amendment as provided below. An owner applicant shall pay the filing fee prescribed by the Fee Schedule, and shall file an application, which shall include, without limitation:
1. The legal description of all property included;
  2. Common address if available; and
  3. A written statement addressing the criteria required for approval pursuant to § 12-3-1 E.
- B. **HEARINGS BEFORE PLANNING COMMISSION.** The Planning Commission, a Land Use Authority, shall hold a public hearing on all amendments to this Title or to the Land Use Zoning Map. The Code Enforcement Officer shall cause a notice, including a description of the property for which the zoning amendment is requested, a brief explanation of the proposed zoning, and the date, place and time of the public hearing, to be prepared as Provided in § 12-3-89 below. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of the application. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the application.
- C. **ACTION BY PLANNING COMMISSION.** Following the public hearing, the Planning Commission shall adopt a written recommendation to the City Council, advising the Council to approve, disapprove, or modify the proposal. If the Planning Commission fails to take action within sixty (60) days of the close of the public hearing, the City Council shall consider the matter forwarded from the Planning Commission with a negative recommendation.
- D. **HEARING BEFORE CITY COUNCIL.** The City Council may hold a public hearing on all proposed amendments to this Title or Land Use Zoning Map forwarded from the Planning

**TITLE 12-3**  
**ADMINISTRATION AND ENFORCEMENT**

Commission. Notice of the public hearing shall be consistent with § 12-3-1 B.

E. **CRITERIA/REQUIRED FINDINGS.** The City's land use zoning is the result of a detailed and Comprehensive appraisal of the City's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the City, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the Planning Commission may recommend, and the City Council may grant, a rezoning application only if it determines, in written findings, that the rezoning is consistent with the policies and goals of the Delta City General Plan and that the applicant has demonstrated that the:

1. Proposed rezoning is necessary either to comply with the Delta City General Plan proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of adoption of the Delta City General Plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

F. **TEMPORARY OR EMERGENCY ZONING.** The City Council may enact an ordinance, without a public hearing or Planning Commission recommendation, which establishes temporary zoning regulations for any part or all of the area within the municipality if the:

1. City Council makes a written finding of compelling, countervailing public interest;

or

2. Area is not zoned.

Temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval. The City Council shall establish a period of limited effect for the ordinance, which period may not exceed six (6) months.

12-3-2 **REVIEWING BODIES.** The Code Enforcement Officer (CEO), the Planning Commission (PC), the City Council (CC), and the Appeal Authority (AA) each have the following primary authority to review Applications for compliance with this Title:

Table 12-3-2 Reviewing Bodies A-Appeal, D-Decision, R-Review				
TYPE OF REVIEW	CEO	PC	CC	AA
Administrative Lot Line Adjustment	R	D	A	
Allowed Use, Appeal	R	D	A	
Business Licensing	R	R	D	
Conditional Use	R	D	A	
Conditional Use-Administrative	D	A		

# Exhibit C

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## TITLE 12-20

### MISCELLANEOUS PROVISIONS

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#### Title 12-20-1 Miscellaneous Provisions

12-20-1      **PUBLIC RIGHT-OF-WAY USE.** No structures, fence, sign or other permanent, man-made object may be erected in any public right-of-way without specific approval by the Code Enforcement Officer. No part of any right-of-way may be used for the storage or display of goods, wares or merchandise offered for sale or for advertising or for any purpose unless so authorized and in compliance with provisions of all applicable City ordinances.

12-20-2      **PERMITTED ENCROACHMENTS.** The following features, and no others, may extend into required minimum yard areas. These restrictions shall apply to buildings, structures or projections located in yards, or portions thereof, that are required by the setback regulations of this title.

A.      A carport, subject to the following:

1. Carport (including the roof, eaves, and supporting members) must be set back at least five (5) feet from a side property line.
2. Carport (including the roof, eaves, and supporting members) must be within street side setbacks, including corner lots.
3. No opening on any side shall be lower than seven (7) feet as measured from floor to bottom of carport eave line.
4. Perimeter of encroaching Carport must remain open on at least three (3) sides. When located in the Front Yard, perimeter of Carport must remain open on at least the three (3) sides that are parallel to the Front and Side Yards. Openings must be unobstructed by walls, screens, lattice work or similar features that would create an enclosed space or obstruct visibility. Supporting vertical members such as columns, poles, and posts must have a cross section no larger than a square that is twelve (12) inches on each side.
5. Supporting vertical members, other secondary structural members for lateral bracing, trim, fascia, and other vertical elements must not obscure more than fifteen (15) percent of the vertical plane of any open side.
6. Area beneath the roof of the Carport must be covered with at least four inches (4") compacted road base, subbase or aggregate, or, hard surfaced such as cement or asphalt.
7. Carport (including the roof, eaves, and supporting members) must not overhang or intrude into any type of public utility or drainage easement that is currently being used by or housing a public utility or drainage.
8. Carport (including the roof, eaves, and supporting members) must not overhang or intrude into any type of public utility or drainage easement without the written approval of the Delta City Code Enforcement Officer/Public Works Director.
9. There can be no enclosed use above or on top of Carport.
10. Carport must be used solely for the parking of vehicles and not for any other purpose, including storage of any type.
11. All carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.
12. All building codes shall apply.
13. Maximum of one (1) encroaching carport per residential Lot.