

ORDINANCE NO. 2023-47

**AN ORDINANCE AMENDING THE HEBER CITY CODE, CHAPTER 18.08
DEFINITIONS.**

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, Chapter 18.08 Definitions is hereby **Amended** and **Adopted** to read as follows:

Chapter 18.08 Definitions

Sections

18.08.000	Generally
18.08.001	Accessory Dwelling Unit, External
18.08.002	Accessory Dwelling Unit, Internal
18.08.003	Accessory Use or Building
18.08.004	Adjacent Landowner
18.08.005	Administrative Decision
18.08.006	Adversely affected party
18.08.007	Affected Area for Notice for Adoption or Modification of a Land Use Regulation
18.08.008	Affordable Housing Agreement
18.08.009	Affordable Housing Qualified Applicants
18.08.010	Agent
18.08.020	Agriculture
18.08.025	Agriculture, Intensive
18.08.035	Appeal Authority
18.08.036	Basement
18.08.037	Bed And Breakfast Home
18.08.040	Boarding House/Rooming House
18.08.050	Building
18.08.051	Buildable Area.
18.08.052	Cannabis Cultivation Facility
18.08.053	Cannabis Pharmacy
18.08.054	Cannabis Processing Facility
18.08.055	Cannabis Production Establishment
18.08.060	Carport
18.08.061	Car Wash
18.08.070	Clinic
18.08.080	Club
18.08.090	Common Area
18.08.091	Combination of Buildings
18.08.092	Commercial Complex
18.08.093	Common Ownership or Management
18.08.094	Community Development Director

18.08.095 Complete Application
18.08.100 Comprehensive or General Plan
18.08.110 Conditional Use
18.08.120 Condominium
18.08.135 Coop
18.08.136 Craftsman Industrial
18.08.155 Day Care Center, Commercial
18.08.156 Day Care, Nonregistered Home
18.08.157 Day Care, Registered Home Day Care or Preschool
18.08.160 Density
18.08.165 Development Agreement
18.08.170 Drive-In Retail
18.08.180 Dwelling
18.08.200 Family
18.08.207 Fence
18.08.210 Fence, Sight-Obscuring
18.08.220 Floor Area
18.08.230 Fractional Numbers or Measurements
18.08.240 Garage, Private
18.08.245 Garage, Public
18.08.250 Grade
18.08.260 Group Care Facility
18.08.270 Height of Building
18.08.280 Home Occupation
18.08.283 Hospital
18.08.285 Hotel
18.08.286 Impact Fee
18.08.287 Improvement Completion Assurance
18.08.288 Improvement Warranty
18.08.289 Improvement Warranty Period
18.08.290 Infrastructure Improvement
18.08.295 Junkyard
18.08.300 Kennel
18.08.301 Land Use Applicant
18.08.302 Land Use Application
18.08.305 Land Use Authority
18.08.306 Land Use Decision
18.08.307 Land Use Permit
18.08.308 Land Use Regulation
18.08.320 Landscaping
18.08.330 Large-Scale Development
18.08.335 Legislative Body
18.08.340 Livestock Corral
18.08.370 Lot
18.08.375 LUDMA
18.08.380 Manufactured Home

18.08.390	Mobile Home
18.08.400	Mobile Home Park
18.08.405	Moderate Income Housing
18.08.410	Motel or Motor Hotel
18.08.420	Noncomplying Structure
18.08.430	Nonconforming Use
18.08.435	Official Map
18.08.440	Parcel
18.08.450	Parking Space
18.08.460	Pasture
18.08.470	Planned Unit Development
18.08.480	Planting Plan
18.08.485	Plat, Final
18.08.486	Plat, Preliminary
18.08.490	Premises
18.08.510	Public Parks and Playgrounds
18.08.540	Recreational Vehicle Court
18.08.542	Retail Business
18.08.543	Retail Establishment
18.08.545	Retreat Lodge
18.08.556	School, Charter
18.08.557	School, Private
18.08.560	Setback
18.08.565	Sexually Oriented Business
18.08.570	Signs
18.08.590	Street -- Major
18.08.600	Street -- Minor
18.08.610	Subdivision
18.08.615	Subdivision Amendment
18.08.620	Variance
18.08.625	Water Wise Landscaping
18.08.623	Weed
18.08.625	Xeriscaping
18.08.630	Yard
18.08.645	Zoning Map
18.08.650	Zoning Ordinance

18.08.01 Generally

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future, the singular number shall include the plural, and the plural, the singular; the word “building” shall include the word “structure”; the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word “shall” is mandatory and not directory.

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in “Black’s Law Dictionary”.

18.08.001 Accessory Dwelling Unit, External

“Accessory dwelling unit” means a secondary habitable living unit detached from a primary single-family dwelling and contained on one lot, pursuant to the standards and regulations found in this Title.

18.08.002 Accessory Dwelling Unit, Internal

"Internal accessory dwelling unit" means an accessory dwelling unit created:

- A. within a primary dwelling;
- B. within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
- C. for the purpose of offering a long-term rental of 30 consecutive days or longer.
- D. “Primary dwelling” means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record. "Primary dwelling" includes a garage if the garage is a habitable space and is connected to the primary dwelling by a common wall.

18.08.003 Accessory Use or Building

“Accessory use or building” means a use or structure subordinate to the principal use of a building or principal use on the same lot and serving a purpose customarily incidental to the use of the principal building or use. Garden sheds, garages, greenhouses, barns, external accessory dwelling units, and storage shelters are accessory buildings.

18.08.004 Adjacent Landowner

“Adjacent landowner” means any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

18.08.005 Administrative Decision

“Administrative decision” means any final order, requirement, decision, determination or interpretation made by a land use authority in the administration or the enforcement of this title.

18.08.006 Adversely Affected Party

“Adversely Affected Party” means a person other than a land use applicant who: (1) owns real property adjoining the property that is the subject of a land use application or land use decision; or (2) will suffer a damage different in kind than, or an injury distinct from, that of the general community because of the land use decision.

18.08.007 Affected Area for Notice for Adoption or Modification of a Land Use Regulation

“Affected Area” for notice requirement of adoption or modification of a land use regulation shall be as follows:

- A. Zoning Map amendment. Notice shall follow Class A notice and prescribed in Utah Code 63G-30-102 et seq.
- B. Zoning District amendments or creation. One notice shall be provided to those real property owners within the specifically affected zoning district 10 days prior to the public hearing.
- C. Zoning District Change request or “rezone”. One notice shall be provided to those real property owners within 300’ feet of the subject property 10 days prior to the public hearing.
- D. Development Agreement adoption or modification that modifies the underlying zoning regulations. One notice shall be provided to those real property owners within 300’ feet of the subject property 10 days prior to the public hearing.
- E. Text amendments to the land use regulation that do not substantially amend or create new regulatory provisions. Notice shall follow Class A notice and prescribed in Utah Code 63G-30-102 et seq.

18.08.008 Affordable Housing Agreement

"Affordable Housing Agreement" means a legally binding agreement between a Developer and Heber City which ensures that the requirements of this ordinance are satisfied.

18.08.009 Affordable Housing Qualified Applicants

"Affordable Housing Qualified Applicants" means applicants for Affordable Units. Income for such applicants is limited to no more than 80% to 50% of average median family income for Wasatch County for Moderate Income Housing, and limited to 50 to 30% of average median family income for Wasatch County for Low Income Housing. Impoverished Income is less than the 30% of the average median family income. If all other requirements are equal, first preference shall be given to public service and health care employees employed within Wasatch County, including municipal, county, school district, state and federal employees. Second preference shall be given to applicants who reside elsewhere but are employed full-time in

Wasatch County. Third preference shall be given to applicants who neither work nor live in Wasatch County.

18.08.010 Agent

“Agent” or “owner” means any person who is legally authorized to act for the property owner.

18.08.020 Agriculture

"Agriculture" means the growing of soil crops in the customary manner in the open. It does not include livestock raising activities, nor does it include retailing of products on the premises.

18.08.025 Agriculture, Intensive

“Agriculture, intensive” means the raising of crops combined with industry or business, such as fruit packing plants, fur farms, animal hospitals, greenhouses, or similar uses.

18.08.035 Appeal Authority

“Appeal authority” means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

18.08.036 Basement

“Basement” is defined by the adopted International Residential Building Code as a story that is not a *Story Above Grade Plane*.

18.08.037 Bed And Breakfast Home

Bed and Breakfast Home means an owner occupied single-family dwelling that contains not less than two and no more than eight guest rooms where lodging, with or without meals, is provided for compensation.

18.08.040 Boarding House/Rooming House

An establishment, with lodging, where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

18.08.050 Building

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

- A. "Building line" means a line designated the minimum distance which buildings must set back from a street or lot line.
- B. "Main building" means one or more of the principal buildings upon a lot.

18.08.051 Buildable Area.

"Buildable Area" means the portion of land located beyond the property boundary setbacks. The building pad is a rectangular area surrounded by common or limited common area.

18.08.052 Cannabis Cultivation Facility

"Cannabis cultivation facility" means a person that:

- A. possesses cannabis;
- B. grows or intends to grow cannabis; and
- C. sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.

18.08.053 Cannabis Pharmacy

"Cannabis pharmacy" means a business, licensed by the state of Utah, to distribute cannabis products by prescription for medical purposes.

18.08.054 Cannabis Processing Facility

"Cannabis processing facility" means a person that acquires or intends to acquire cannabis from a cannabis production establishment; possesses cannabis with the intent to manufacture a cannabis product; manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.

18.08.055 Cannabis Production Establishment

"Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

18.08.060 Carport

"Carport" means a structure not completely enclosed by walls for the shelter of automobiles.

18.08.061 Car Wash

"Car wash" means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic, or by hand.

18.08.070 Clinic

"Clinic" means a building used for the diagnosis and treatment of ill, infirm and injured persons, but which building does not provide board, room or regular hospital care and services.

18.08.080 Club

"Club" means a building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

18.08.090 Common Area

"Common area" means an area designed to serve two or more dwelling units or separate uses with convenient access to the area.

18.08.091 Combination of Commercial Buildings

"Combination of Buildings", for the purpose of determining total permitted square footage for a building(s) or property(s) means two or more buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the buildings.

18.08.092 Commercial Complex

"Commercial complex" means two or more commercial uses on a single lot or adjacent lots which are dependent upon each other to meet minimum standards for parking, vehicular circulation, or landscaping or which are approved as elements in an overall site plan under a conditional use or subdivision application.

18.08.093 Common Ownership or Management

"Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

- A. by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or
- B. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the retail businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

18.08.094 Community Development Director

"Community Development Director" means the individual appointed by the City Council who coordinates with City staff, departments, commissions and other governmental entities, on projects that deal with the planning, zoning and economic development of the City. The Community Development Director manages the Planning and Building Departments.

18.08.095 Complete Application

"Complete application" means when the applicant provides a land use application in a form that complies with the requirements of this title and applicable Heber City ordinances and pays all applicable fees.

18.08.100 Comprehensive or General Plan

"Comprehensive or General plan" means a coordinated plan, which has been prepared and adopted for the purpose of community policies guiding development, including, but not limited to, a plan or plans of land use, circulation, housing and public facilities and grounds.

18.08.110 Conditional Use

"Conditional Use" means 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 or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. It is also a use for which a conditional use permit is required by this title.

18.08.120 Condominium

“Condominium” means the ownership of a single unit in a multi-unit project or structure together with an undivided interest in common in the common areas and facilities of the property.

18.08.135 Coop

"Coop" means a cage, pen, enclosure, or building for the sheltering of chickens.

18.08.136 Craftsman Industrial

“Craftsman Industrial” means light manufacturing uses occurring entirely within a building containing no more than 20,000 square feet. Such uses involve small scale fabrication, manufacturing, production, assembly and repair and have an accompanying retail component. Resulting products are intended for end users and consumers rather than as intermediates for use by other industries. Craftsman Industrial uses do not include the processing of animal byproducts and livestock feed yards, steel manufacturing plants, concrete batch plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, dust, odor, etc.

18.08.155 Day Care Center, Commercial

“Day Care Center, Commercial” means an establishment providing care and maintenance to eight (8) or more children at any one time of any age separated from their parents or guardians.

18.08.156 Day Care, Nonregistered Home

"Nonregistered home daycare" means a person who uses his/her principal place of residence to provide daycare for no more than six (6) children.

18.08.157 Day Care, Registered Home Day Care or Preschool

"Registered home daycare or preschool daycare" means the use of a principal place of residence to provide educational or daycare opportunities for children under age seven (7) in small groups. The group size at any given time shall not exceed eight (8), including the provider's own children under age seven (7).

18.08.160 Density

"Density" means density of population measured by the number of dwelling units per acre of land.

18.08.165 Development Agreement

"Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

18.08.170 Drive-In Retail

"Drive-in retail" means any form of merchandising, serving, or dispensing of goods in which the customer is serviced while in his automobile.

18.08.180 Dwelling

As used in this title:

- A. "Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent or trailer.
- B. "Dwelling, condominium" means a dwelling whose ownership conforms with the definition of "condominium" herein.
- C. "Dwelling, multiple unit" means a building or portion thereof designed for or used exclusively as a residence by two or more families, living independently of one another.
- D. "Dwelling, single-family" means a building designed for or used exclusively as a residence by one family.
- E. "Dwelling, townhouse" means an attached or semi-attached building containing a single dwelling unit and located on a parcel of land in one ownership and having any yard or court in common.
- F. "Dwelling, twin home" means a building designed and used as a residence by two families and for which each dwelling unit and its lot may be owned separately from the other dwelling unit and lot.
- G. "Dwelling, two-family" or "duplex" means a building designed for or used exclusively as a residence by two families, living independently of one another.
- H. "Dwelling unit" means one room, or suite, or two or more rooms, designed for or used by one family for living and sleeping.

18.08.200 Family

"Family" means:

- A. A core family. A core family means the primary companion couple or individual residing within the dwelling and their children (including foster and custodial children);
- B. A core family plus up to four persons who are an extended relations provided that the number of adults (individuals who are eighteen years or older) shall not exceed one adult per 400 square feet of finished habitable floor space and the total number of individuals

shall not exceed one individual per 200 square feet of finished habitable floor space. Extended relations includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, uncles and aunts, brothers and sisters, first cousins and immediate nieces and nephews to the primary companion couple or individual residing within the dwelling;

C. A core family plus up to two persons living as guests with the core family provided that the number of adults (individuals who are eighteen years or older) shall not exceed one adult per 400 square feet of finished habitable floor space and the total number of individuals shall not exceed one individual per 200 square feet of finished habitable floor space; or

D. Up to four persons if any of the four persons are not related by blood, marriage, adoption, or legal guardianship.

The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club, or institutional group.

18.08.207 Fence

"Fence" means a structure serving as an enclosure, barrier, or boundary, enclosing an area such as a garden, yard or field, and usually made of posts of timber, concrete, vinyl, or metal and connected by wire, netting, rails, or boards.

18.08.210 Fence -- Sight-Obscuring

"Sight-obscuring fence" means a fence having a height at least six feet above grade which permits vision through not more than ten percent of each square foot more than eight inches above ground.

18.08.220 Floor Area

The floor area of a building is the sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses, of headroom height, measured from the exterior walls or from the centerline of walls separating buildings. This is commonly known as the building footprint. The floor area does not include unoccupied features such as pipe trenches, exterior terraces, or steps, chimneys, roof overhangs, etc.

18.08.230 Fractional Numbers or Measurements

In determining the requirements of this title, whenever a fraction of a number or a unit is one-half or more, and whenever a fraction of a number or a unit resulting from a computation is one-half or more, said fraction shall be considered as a whole number or a unit, where the fraction is less than one-half, said fraction shall not be included in determining requirements.

18.08.240 Garage -- Private

"Private garage" means a building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

18.08.245 Garage, Public

"Garage, public" means any premises, other than a private garage, used for the parking or temporary storage of automobiles and available for use by the public.

18.08.250 Grade

- A. Grade, existing: The elevation of the surface of the ground, whether natural or altered, that exists prior to the excavation or grading under consideration or otherwise in question.
- B. Grade, finish: The elevation of the finished surface of the ground.
- C. Grade, natural: The elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from manmade cuts, fills, excavation, grading or similar earthmoving processes. The topographic maps of the City shall be the primary, though not exclusive, reference for determination of natural grade. Natural grade shall be determined in every instance where necessary by the City Building Dept.

18.08.260 Group Care Facility

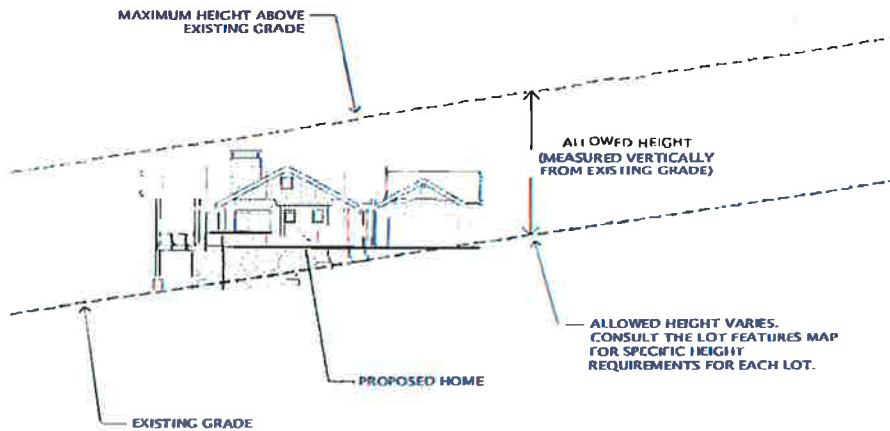
"Group Care Residential facility" means a home where a small number of unrelated people in need of care, support, or supervision can live together and is licensed by the state of Utah as such, and:

- A. in which more than one person with a disability as defined in Federal Fair Housing law resides; and
- B. which is licensed or certified by the Department of Health and Human Services under:
 - 1. Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
 - 2. Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

18.08.270 Height of Building

"Height of building" means the greatest distance measured from any point on a proposed or existing roof or eave (but excluding chimneys, pipes, HVACs, etc.) to the natural grade located directly below said point of the roof or eaves. Within any building footprint, height shall be measured vertically from any point on a proposed or existing roof to the natural grade directly below said point on a proposed or existing roof.

The height of buildings shall be measured using the graphic below. The intent of the height guideline is to present a human-scaled roofscape, one which steps with the contours of the terrain and recalls the natural setting.



Submitted plans shall include:

- Roof ridgeline plan
- Existing topography shown below the roof areas
- Multiple spot locations shown on the roof plan stating roof elevation, existing grade elevation, finished grade elevation, and the differences in feet, rounded to the nearest 3" (0.25') from the roof elevation. The spot locations on the roof shall include roof peak ends, several in the center of the roof, and the maximum height points.

18.08.280 Home Occupation

"Home occupation" means any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

18.08.283 Hospital

A health-care facility for care of ambulatory and non-ambulatory patients accommodating ten or more patients and which provides regular hospital care services.

18.08.285 Hotel

A facility offering transient lodging accommodations on a daily rate to the public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

18.08.286 Impact Fee

"Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act et seq.

18.08.290 Infrastructure Improvement

"Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

- A. is required for human occupation; and
- B. an applicant must install:
 - 1. in accordance with published installation and inspection specifications for public improvements; and
 - 2. whether the improvement is public or private, as a condition of:
 - a. recording a subdivision plat;
 - b. obtaining a building permit; or
 - c. development of a commercial, industrial, mixed use, condominium, or multifamily project.

18.08.290 Junkyard

"Junkyard" means a place where scrap, waste, discarded, recycled, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumberyards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises. Salvage yard is included in this definition.

18.08.300 Kennel

"Kennel" means land or buildings used in the keeping of four or more dogs over four months old.

18.08.301 Land Use Applicant

"Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

18.08.302 Land Use Application

"Land use application means"

- A. an application that is:
 - 1. required by a municipality; and
 - 2. submitted by a land use applicant to obtain a land use decision; and

B. does not mean an application to enact, amend, or repeal a land use regulation.

18.08.305 Land Use Authority

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

18.08.306 Land Use Decision

"Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

- A. a land use permit; or
- B. a land use application.

18.08.307 Land Use Permit

"Land use permit" means a permit issued by a land use authority.

18.08.308 Land Use Regulation

"Land use regulation" means,

- A. a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;
- B. includes the adoption or amendment of a zoning map or the text of the zoning code; and
- C. does not include:
 - 1. a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
 - 2. a temporary revision to an engineering specification that does not materially:
 - a. increase a land use applicant's cost of development compared to the existing specification; or
 - b. impact a land use applicant's use of land.

18.08.320 Landscaping

"Landscaping" means some combination of planted trees, xeriscaping, shrubs, vines, ground cover, flowers, or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, artworks, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this title.

18.08.335 Legislative Body

"Legislative body" means the Heber City Council.

18.08.340 Livestock Corral

"Livestock corral" means a place or pen where livestock are kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

18.08.370 Lot

"Lot" has the following meanings:

- A. "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
- B. "Lot of record" means a lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A lot of record may or may not coincide with a zoning lot;
- C. "Lot, corner" means a lot abutting on two or more intersecting streets.
- D. "Lot, double frontage lot" shall mean having a frontage on two parallel or approximately parallel streets. Said lots for purposes of this title shall have two street frontages and two front yards.
- E. "Lot, flag" means a lot which meets all minimum size requirements for the zone in which it occurs, but which exists mostly behind another lot, and which has access to a dedicated street by recorded means.

18.08.375 LUDMA

"LUDMA" means the Municipal Land Use, Development and Management Act (LUDMA) found in Title 10, Chapter 9a of the Utah State Code.

18.08.380 Manufactured or Modular Home

"Manufactured or Modular home" means a dwelling unit which meets the building code for permanent structures designed to be transported after fabrication and which is ready for occupancy as an independent unit, except for connection to utilities and location on a foundation.

18.08.390 Mobile Home

"Mobile home" means a vehicular or portable structure which is constructed for movement on the public highways, which has been constructed in accordance with the building code for mobile homes as adopted by the city, but which has not been demonstrated to conform to the requirements of the building code for other residences.

18.08.400 Mobile Home Park

"Mobile home park" means an area or tract of land used to accommodate two or more mobile homes.

18.08.410 Motel or Motor Hotel

A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having parking adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

18.08.420 Noncomplying Structure

"Nonconforming Structure" means a building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated but which was in existence on the effective date of the ordinance codified in this title.

18.08.430 Nonconforming Use

"Nonconforming use" means a use or premises which does not conform to the regulation of this title, but which was in existence in the effective date of the ordinance codified in this title.

18.08.435 Official Map

"Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

- A. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- B. provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- C. has been adopted as an element of the municipality's general plan.

18.08.440 Parcel.

"Parcel" means any real property that is not a lot.

18.08.450 Parking Space

"Parking space" means a space within a building or parking area, exclusive of driveways, ramps, columns, office and working area, for the parking of a motor vehicle.

18.08.460 Pasture

"Pasture" means an enclosure for animals in which no feed is provided except that which the animals obtain by grazing.

18.08.470 Planned Unit Development

"Planned unit development" means a tract of land which is planned and developed as a single entity wherein the requirements applying to all buildings and improvements are modified to conform to the approved plan.

18.08.480 Planting Plan

"Planting or Landscape plan" means a plan showing the location and dimensions of plants, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted.

18.08.485 Plat, Final

"Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section Utah Code 10-9a-603 or 57-8-13 et seq.

18.08.486 Plat, Preliminary

"Preliminary plat" means the initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this title.

18.08.490 Premises

"Premises" means a zoning lot together with buildings and structures located thereon.

18.08.510 Public Parks and Playgrounds

"Public parks" or "playgrounds" means a tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.

18.08.530 Recreational Vehicle

"Recreational vehicle," "camper," "travel trailer," "motor home" or vacation vehicle" means 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 having a width of eight feet or less and a length of thirty-two feet or less, a camping trailer having a width of eight feet or less and length of thirty-two feet or less, a truck camper, a motor home comprised of a self-propelled vehicle primarily designed as a temporary dwelling for travel, recreational use, and vacation use.

18.08.540 Recreational Vehicle Court

"Recreational vehicle court" or "vacation vehicle court" means an area or tract of land used to accommodate two or more recreational vehicles.

18.08.542 Retail Business

"Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. A retail business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

18.08.543 Retail Establishment

"Retail Establishments", for the purposes of regulating large scale retail establishments (aka big boxes), means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

- A. that are engaged in the selling of similar or related goods, wares or merchandise, and operate under common ownership or management, or
- B. share check stands, storage facilities, a warehouse, or a distribution facility, or
- C. otherwise operate as associated, integrated or co-operative business enterprises under common ownership or management.

18.08.545 Retreat Lodge

"Retreat Lodge" means a building(s) containing short-term or long-term residential units, typically (but not required) as a condo-hotel along and accompanied by amenities such as dining, entertainment and conference facilities.

18.08.556 School, Charter

“School, Charter” means any charter elementary, junior high, high school, college, university, or post-graduate school offering courses in general instruction at least four days per week and seven months per year. Excluded are specialty schools such as trade, dance, beauty, music, secretarial/business, and charm schools. “Charter school” does not include a therapeutic school.

18.08.557 School, Private

“School, Private” means any private elementary, junior high, high school, college, university, or post-graduate school offering courses in general instruction at least four days per week and seven months per year. Excluded are specialty schools such as trade, dance, beauty, music, secretarial/business, and charm schools.

18.08.560 Setback

"Setback" means the shortest distance between the property line and the foundation, wall, or main frame of the building.

18.08.565 Sexually Oriented Business

“Sexually oriented business” means any business for which a sexually oriented business license is required as an adult business, nude entertainment business, or as a seminude dancing bar, pursuant to the sexually oriented business licensing requirements in The Heber Municipal Code.

18.08.570 Signs

For definitions pertaining to signs, see Chapter 18.103 of this title.

18.08.590 Street -- Major

"Major street" means one of the principal thoroughfares, as shown or designated on the major street plan.

18.08.600 Street -- Minor

"Minor street" means any street serving as the principal means of access to property, which street is not shown on the major street plan, as a principal thoroughfare.

18.08.610 Subdivision

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

- A. the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- B. except as provided in Utah Code 10-9a-103 Subsection (65)(c) et seq, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

18.08.615 Subdivision Amendment

"Subdivision amendment" means an amendment to a recorded subdivision in accordance with Utah Code Section 10-9a-608 et seq. that:

- A. vacates all or a portion of the subdivision;
- B. alters the outside boundary of the subdivision;
- C. changes the number of lots within the subdivision;
- D. alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- E. alters a common area or other common amenity within the subdivision.
- F. "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

18.08.620 Variance

"Variance" means a waiver of specific regulations of this title in accordance with the provisions set forth in this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone.

18.08.625 Water Wise Landscaping

"Water wise landscaping" (aka Xeriscaping) means any or all of the following:

- A. installation of plant materials suited to the microclimate and soil conditions that can:
 - 1. remain healthy with minimal irrigation once established; or
 - 2. be maintained without the use of overhead spray irrigation;
- B. use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
- C. use of other landscape design features that:
 - 1. minimize the need of the landscape for supplemental water from irrigation; or
 - 2. reduce the landscape area dedicated to lawn or turf.

18.08.623 Weed

“Weed” means a wild plant that is undesired, in competition with cultivated plants, non-native, intrusive, or identified on a governmental noxious weed list.

18.08.630 Yard

"Yard" means an open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this title:

- A. "Front yard" means the minimum horizontal distance between the street front lot line and the front line of the building or any projection thereof, excluding non-enclosed steps. The main entrance (the main entrance shall not be an overhead garage door, door that enters the garage directly, or any similar door or entrance) to a single-family dwelling must be on the front side (side most parallel to the front lot line). On a corner lot, the front yard may be declared on either street. The address of a corner lot must be on the declared front;
- B. "Rear yard" means an open, unoccupied space on the same lot as a building, measured from the rear line of the building (exclusive of steps), and the rear lot line, and extending for the entire width of the lot. In case of a corner lot, where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line;
- C. "Required yard" means the open space around buildings which is required by the term of this title;
- D. "Side yard" means a yard between the building and the side line of the lot and extending from the front yard to the rear yard.

18.08.645 Zoning Map

“Zoning map” means the zoning map or maps of Heber City, Utah, adopted as part of a land use ordinance, that depicts land use zones, or overlays.

18.08.650 Zoning Ordinance

“Zoning ordinance” means the land use and development ordinance of Heber City.

This Ordinance shall take effect immediately upon approval.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 19th day of December 2023.

 AYE

NAY

ABSENT

ABSTAIN

Michael Johnston
Rachel Kahler
Ryan Stack
D. Scott Phillips
Yvonne Barney

X	_____	_____	_____	_____
X	_____	_____	_____	_____
X	_____	_____	_____	_____
X	_____	_____	_____	_____
X	_____	_____	_____	_____

APPROVED:

Heidi Franco
Mayor Heidi Franco

ATTEST:

Trina W. Wootte Date: 12/19/2023
RECORDER