

**ESCALANTE CITY
ORDINANCE 2020-06**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE NO.10.02.050 AND
PROVIDING REPEALER WITHIN THE CITY OF ESCALANTE, STATE OF UTAH.**

WHEREAS, The City Council, as the governing body of the City of Escalante, State of Utah, specifically find it in the best interest of the safety and welfare of the citizens of the City of Escalante to amend Escalante City Ordinance 10.02.050.

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

SECTION 1: **AMENDMENT** “10.02.050 Definitions - Zoning” of the Escalante Zoning Code is hereby *amended* as follows:

A M E N D M E N T

10.02.050 Definitions - Zoning

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future. The singular number shall include the plural, and the plural the singular. The word "building" shall include "structure". The words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied. The word "shall" is mandatory and not directory, and the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word ~~dk~~ "lot" includes the word plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

ACCESSORY USE or **BUILDING**: A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses, breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packaging plants, fur farms, animal hospitals, or similar uses.

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

AIRPORT: An area of land designed and set aside for the landing and the taking off of aircraft plus aircraft storage and service.

ANIMALS: Animals shall include the following: horses, cows, sheep, goats and fowl, excluding pigs.

ARCHITECTURAL PROJECTION: Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

AUTOMATIC CAR WASH: A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1.5) tons.

AUTOMOBILE SERVICE STATION: A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating or automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

AVERAGE PERCENT OF SLOPE: An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane is a one hundred (100) percent slope.

BASEMENT HOUSE: A residential structure without a full story structure above grade.

BEGINNING CONSTRUCTION: The excavation of the site and/or breaking ground.

BED & BREAKFAST ESTABLISHMENTS: A lodging facility, with no more than six guest rooms, located within an existing single family residence which caters to the vacationing or traveling public.

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

BOARDING HOUSE: A dwelling where, for compensation, meals are provided for at least three (3) but not more than fifteen (15) persons.

BODY AND FENDER SHOP: A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

BREEZE-WAY: A porch or roofed passageway open on the sides, for connecting two buildings, as a house and a garage.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen (15) percent shall not be considered buildable area unless it is approved by conditional use permit for construction, after study by a geologist, soils engineer, or sanitarian as required by the Planning Commission.

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

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

BUILDING, HEIGHT OF: The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

BUILDING INSPECTOR: The official designated as the building inspector for the City of Escalante by the Escalante City Council. The Escalante City Building Inspector may also be the Escalante City Zoning Administrator, if so designated.

CAMPGROUND: A public area designated by a public agency for camping, or a private area licensed by the City of Escalante for camping.

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

CARPORT: A private garage not completely enclosed by walls or doors. For the purpose of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

CELLAR: A room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.

CHILD NURSERY: A duly licensed establishment for the care and/or the instruction of six (6) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

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

CLINIC, DENTAL or MEDICAL: A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

CLUB, SOCIAL: Any organization, group, or association supported by its members where the sole purpose is to render a service of said members and their guests.

CONDITIONAL USE: A use of land for which a conditional use permit is required, pursuant to this Ordinance.

CONDOMINIUM: An ownership structure established in accordance with the Utah Condominium Act.

CORRAL: A space, other than a building used for the confinement of animals or fowl.

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 (2) or more sides by such building or buildings.

COVERAGE, BUILDING: The percent of the total site area covered by buildings.

CROSSWALK or WALKWAY: A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way at grade, or separated from vehicular traffic.

DISTRICT: A portion of the territory of the City of Escalante Established as a zoning district by this ordinance, within which certain uniform regulations and requirements or various combinations thereof apply under the provision of this Ordinance; also includes "zone", and "zoning district."

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

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

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Two structures connected by a Breezeway IS NOT a single dwelling.

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

DWELLING, THREE FAMILY: A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

DWELLING, FOUR-FAMILY: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

DWELLING, MULTI-FAMILY: A building arranged or designed to be occupied by more than four (4) families, the structure having more than four (4) dwelling units.

DWELLING GROUP: A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

DWELLING UNIT: One or more rooms in a dwelling, apartment hotel, or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

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

ESSENTIAL FACILITIES: Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of seventy (70) KV or greater capacity, except by conditional use permit.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FENCE: A physical barrier to delineate, contain, or designate an area designed for a specific use i.e. and enclosure for a dwelling unit, an area of storage, etc.

FLOOD HAZARD: A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

FLOOR AREA: Area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

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

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

GARAGE, PRIVATE: A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles.

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

GEOLOGICAL HAZARD: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

GRADE:

- A. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- B. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the natural surface of the ground adjacent to the centers of all exterior walls of the building.
- D. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

GOVERNING BODY: The elected legislative body of the City of Escalante.

HOLIDAY HOME: An existing single family residence which is periodically provided to the vacationing public in its entirety for compensation. The length of stay shall be limited to a maximum of fifteen (15) consecutive days.

HOME OCCUPATION: Any use conducted entirely within a dwelling or accessory building and carried on by persons residing in the dwelling ~~unit~~, occupying no more than twenty-five (25) percent of the dwelling ~~unit~~ which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The person residing in the dwelling must own and operate the home occupation.

HOSPITAL: Institution for the diagnosis, treatment, and care of human illness or infirmity, but not including sanitariums and clinics.

HOTEL: A building designated for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are for compensation, lodged, with or without meals.

HOUSEHOLD PETS: Animals or fowl 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 as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other was to salvage materials dismantled, junked, or wrecked automobiles or parts thereof, and old or scrap ferrous or non-ferrous metal materials.

JUNKYARD: 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 material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

KENNEL: Any premises where three (6) or more dogs older than two (2) months are kept for commercial boarding, breeding, or sale.

LOCAL ATTORNEY: The attorney employed by or officially representing the City of Escalante.

LOCAL BUILDING INSPECTOR: The City of Escalante Building Inspector employed by or officially representing the City of Escalante.

LIVESTOCK: "Livestock" means a domestic animal or fur-bearer raised or kept for profit, including: cattle, sheep, goats, swine, horses, mules, poultry and domesticated elk.

LOCAL ENGINEER: The engineer employed by or officially representing the City of Escalante.

LOCAL HEALTH OFFICER: The health officer or department employed by or officially representing the City of Escalante.

LOCAL JURISDICTION: The City of Escalante.

LOCAL PLANNER: The planner employed by or officially representing the City of Escalante.

LOT: A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a place or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT DEPTH: The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

LOT, INTERIOR: A lot with no defined public street access.

LOT LINES: The property lines bounding the lot.

LOT LINE, FRONT: For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

LOT LINE, REAR: Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line then (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the City of Escalante Building Inspector shall designate the rear lot line.

LOT LINE, SIDE: Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line, a side lot line separating a lot from a street is a street side lot line.

LOT, RIGHT-OF-WAY: A strip of land connecting a lot to a street for use as private access to that lot.

MAINTENANCE: The condition of being maintained and/or supported. The act or fact or keeping up or in repair. The upkeep or preservation of conditions of property including cost of ordinary repair necessary and proper from time to time for that purpose.

MOBILE HOME: A detached, single-family dwelling unit designed for long-term occupancy, and to be transported on its own wheels or on a flatbed or other trailers or detachable facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other minor work. Pre-sectionalized, modular, or prefabricated houses not placed on a permanent foundation shall be regarded as mobile homes.

MOBILE HOME LOT: A lot within a mobile home subdivision, designed and to be used for the accommodation of one (1) mobile home.

MOBILE HOME PARK: A space designed and approved by the City of Escalante for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the City of Escalante Zoning Ordinance.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for residential use where the lots are to be individually owned or lease, and occupied by mobile homes exclusively.

MODULAR HOME: A permanent dwelling structure built in pre-fabrication units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classified as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.

MOTEL/INN: A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

NONCONFORMING BUILDING or STRUCTURE: A building or a structure which does not conform to the regulations of height, coverage, or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

NONCONFORMING USE: The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

NURSING HOME: An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and convalescent home."

OFFICIAL MAP: A map which has been adopted as the official map of the City of Escalante, showing existing public streets, streets on plats of subdivisions which have been approved by the City of Escalante Planning Commission, and /or other street extensions, widenings, narrowings, or variations which have been accurately surveyed and definitely located.

OFF-STREET PARKING SPACE: The space required to park one (1) passenger vehicle, which space shall meet the requirements of this ordinance.

OPEN SPACE: The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Development.

OPEN SPACE, USABLE: The area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental fixtures, trees, shrubs, other vegetation and equipment utilizing renewable energy resources may be allowed in open space areas.

PARKING LOT: An open area, other than a street, used for the parking of more than four (4)

automobiles and available for public use, whether free, for compensation, or accommodations for clients or customers.

PERMANENT STRUCTURE: Permanently affixed, which means anchored to, and supported by, a permanent foundation or installed in accordance with the manufactured housing installation standard code referred to in the State of Utah Uniform Building Standards Act Section 58-56-4.

PLANNED DISTRICT: A zoning district, the boundaries of which are to be shown on the Zoning Map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the City of Escalante Zoning Ordinance, after public hearing, a required for other zoning districts.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the City of Escalante Planning Commission.

PUBLIC: Municipal owned.

RECREATIONAL COACH: A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

RECREATIONAL COACH PARK: Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one (1) or more owners or users of recreational coaches for a temporary time not to exceed one hundred twenty (120) days. Such park may also be designated as "Overnight Park".

RECREATIONAL COACH SPACE: A plat of ground within a recreational coach park designated and intended for the accommodation of one (1) recreational coach.

REMODEL: To model again, to reconstruct; make over. To make over in structure or style; reconstruct.

RENTAL STORAGE: A group of individual or multiple units designed for the sole purpose of storing personal or commercial goods.

RIGHT-OF-WAY (LOT): A strip of land not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

SAFETY ISLAND: An area provided for the safety of pedestrians from vehicular traffic, as between lanes on a busy street or highway.

SIGN: A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of 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.

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

SIGN AREA: The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from anyone (1) time.

SIGN, FREE-STANDING: A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

SIGN, IDENTIFICATION AND INFORMATION: A sign displayed to indicate the name or nature of a building, or of a use.

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

SIGN, MARQUEE: Any sign attached to or made an integral part of the marquee.

SIGN, PROJECTING WALL: A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen, (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

SITE PLAN: A plan required by, and providing the information required by, Section 1.8 herein.

STABLE, PUBLIC: Any stable where horses are boarded and/or kept for hire.

STORY, HALF: A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

STRUCTURALLY ALTERING: Fundamental and significant change of the building's framework or system that results in a different building.

STRUCTURE: Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building."

TENT: A temporary structure erected for a period of no more than fourteen (14) days allowed only in commercial zones, as part of a recreational business having sufficient restrooms and sanitary facilities.

VICINITY PLAN: A map or drawing, to scale showing the physical relationships of the

proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

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

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL OCTOBER 20, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Louise Barnes	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Dan'l Lindsay	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Marlene Stowe	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Guy Graham	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Councilmember Lenza Wilson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Melani Torgersen, Mayor, Escalante City



Stephanie Steed, CMC, City Recorder
Escalante City



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code §10-3-711, I hereby certify that the foregoing Ordinance was duly passed and published or posted at:

1) *Escalante Post Office* 2) *Escalante City Office* 3) *Griffins Mercantile*.

on the above referenced dates.

Attest

A handwritten signature in cursive script that reads "Stephanie Steed". The signature is written in black ink and is positioned above a horizontal line.

Stephanie Steed, CMC, City Recorder,
Escalante City