

**Chapter 2. Definitions** <sup>181, 217</sup>

28-2-1 Application of Chapter

28-2-2 Definitions

**28-2-1 Application of Chapter.** The words and terms defined in this Chapter shall have the meanings indicated. Words used in the present tense include the future and words in the singular number include the plural and words in the plural include the singular. Words not included herein but defined elsewhere in the ordinance shall be construed as termed therein. The word "shall" is mandatory.

**28-2-2 Definitions.**

**“Accessory Building Large Lot”** <sup>169, 199</sup> means a building, larger than 200 square feet, with a minimum setback of forty (40) feet from any portion of the primary building on the lot that is at least one-half acre in size and at least twenty (20) feet from any residential building on adjoining lots.

**“Accessory Building, Residential”** <sup>67, 88, 198, 199</sup> means a building, larger than 200 square feet, designated for use other than a residence constructed on a lot containing a residential structure. A Residential Accessory Building shall be constructed of materials complementary in color to the primary building on the lot and buildings on surrounding lots.

**“Agriculture”** means the tilling of the soil, the raising of crops, horticulture and gardening, but not including keeping or raising domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

**“Airstrip (private)”** means a specially prepared surface for the taking-off and landing operations of aircraft, constructed solely for personal use by the landowner(s).

**“Alley”** means a public thoroughfare less than twenty-six (26) feet wide.

**“Animal Unit (Agricultural & Residential)”** <sup>170</sup> means the keeping of not more than the below-stated number of domestic animals:

- (1) One head of: horse or cow; or
- (2) Three head of: pig or sheep; or
- (3) Five head of the following small, non-carnivorous animals: rabbits, hamsters, or other similar small animals.

**“Attached Dwelling”** <sup>126</sup> means a one-family dwelling attached to two or more other one-family dwellings by common vertical walls.

**“Barber/Beautician Shop ”** <sup>163</sup> A Barber/Beautician shop will also include the following other types of uses, however this does not constitute a complete list, but an attempt to further define it: pedicures & manicures, tanning beds, hair removal, massages, or any other similar use.

**“Basement”** means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**“Boarding House”** <sup>4</sup> means a dwelling with guest rooms where, with or without compensation, meals and lodging are provided for at least two and not more than fifteen people.

**“Buildable Area”** means the total area of a lot exclusive of any easements granted for a public right of way.

**“Building”** means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.

**“Building, Accessory”** means a detached subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

**“Building, Height of”** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line or a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

(2) Any elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Section 2.3.8.1 is more than 10 feet above lowest grade.

(3) The height of a stepped or terraced building is the maximum height of any segment of the building.

**“Building, Main”** means a building in which is conducted the principal use of the lot on which it is located.

**“Building, Public”** means a building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions, or of the City of Clinton.

**“Camping Trailer”** A trailer, camper, or motor home designed or used for sleeping by persons while traveling, but not intended as a permanent attachment to public utilities.<sup>119</sup>

**“Carport”**<sup>192, 199</sup> means a private, covered area for parking motor vehicles with two or more open sides. A carport with a distance between support structures less than 20-feet shall be designated as a single carport. A carport with a distance between support structures equal to or more than 20 feet shall be designated as a double carport.

(1) Carport Attached: the carport and dwelling having a roof or wall in common. Ref. §28-3-25(1)(5)

(2) Carport accessory: located behind a dwelling with adequate access for a motor vehicle. Ref §28-3-25(5)

(3) Carport Detached: located adjacent to a dwelling and fronting a common street. Ref. §28-3-25(5)

**“Cattery”**<sup>126</sup> means an establishment for boarding, breeding, buying, grooming, or selling cats for profit.

**“Check Cashing”**<sup>165</sup> means a check or assignment of wages for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state of Utah pursuant to the check cashing registration act. The term “check cashing” shall not include fully automated standalone services, such as automated teller machines, located inside of an existing building, so long as the automated service incorporates no signage in the windows or outside of the building.

**“Condominium Project”** means a real estate condominium project where ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property, is transferred; a plan or project whereby four or more apartments, rooms, office spaces, or other units in existing and proposed apartments or commercial or industrial buildings or structures are separately offered or proposed to be offered for sale and meeting all requirements of the "Condominium Ownership Act" of the State of Utah. Structures shall conform to all area, yard, frontage and height regulations of the zone in which they are located.

**“Corral”** means a permanent fenced enclosure other than a building and less than one-acre in area for the confinement of animals.

**“Court”** means an unoccupied open green space, other than yard, on the same lot with a building or buildings, which is bounded on two or more sides by the walls of such building or buildings.

**“Coverage, Building”** means the percentage of the lot area covered by the main and accessory buildings.

**“Dairy”** means a commercial establishment for the manufacture, processing, or sale of dairy products.

**“Day Care Center”** means any building or structure other than an occupied residence furnishing care, supervision, and guidance for three or more children per day for periods less than 24 hours per day. The term "day care center" is inclusive of kindergartens, preschools, nursery schools, and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

**“Day Care Center, Family”**<sup>20, 26, 106, 125</sup> means any non-commercial, private premises being used by the owners/residents for:

(1) the caring of a minimum of one (1) but not more than eight (8) children, in accordance with Utah Rule 430-90, Child Care Centers. With the operators licensed by the Utah State Department of Health, Bureau of Licensing;

(2) a preschool of no more than eight (8) students at any time; or (iii) a learning center where lessons such as music, dance. Tutoring, painting or similar topics are taught.

**“Day Care Center, Family Group”**<sup>20, 106</sup> means any non-commercial, private premises being used by the owners/residents for the caring of up to but not more than twelve (12) children, in accordance with Utah Rule 430-90, Child Care Centers. With operators licensed by the Utah State Department of Health, Bureau of Licensing.

**“Dwelling”**<sup>126</sup> means a building that contains one or two dwelling units used, intended, or designed to be build, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. (ICC Building Code).

**“Dwelling, Group”** means two (2) or more dwellings placed upon a single lot and fronting on an interior open court, the group being considered as one building for the purpose of front, side, and rear yard requirements.

**“Dwelling, Multiple-Family”** means a building designed to be occupied by three (3) or more families.

**“Dwelling Unit”**<sup>67, 126</sup> means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, structure, or vegetation.

**“Dwelling Unit Footprint”**<sup>67, 126</sup> means the finished floor area, measured by taking the outside dimensions of a single family dwelling unit contained within the vertically projected outline of the living space within the surrounding exterior walls. Such space is not to include an attached garage, unfinished basement, covered patios or carports or any type of detached structure.

**“Dwelling Unit Single-Family”**<sup>67, 118</sup> Any building which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Building Code for not more than one family, or a congregate residence of 10 or less persons on a separate lot and not sharing any common wall. (Ref. UBC/IBC)

**“Dwelling, Single-Family Row House”** means a building built directly against an adjoining building without an open space between, and containing a one-family dwelling unit extending from basement to roof. Each such single-family attached dwelling shall be considered one structure, for purposes of front, rear, and side yard requirements.

**“Dwelling, Two-Family”** means a building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**“Dwelling Unit, Immediate Family”**<sup>172</sup> means a single dwelling unit, with or without cooking facilities, within the same building as the main dwelling unit designed EXCLUSIVELY for use by one or two immediate family members AND THEIR DEPENDENTS, For the purpose of this ordinance, "immediate family" shall include and be limited to: father, mother, grandfather, grandmother, son, daughter, grandson, granddaughter, brother, sister of the property owner of record. In addition, the main dwelling unit MUST be owner-occupied and meet the following stipulations:

- (1) The unit must be connected to the main dwelling area.
- (2) This unit SHALL not be rented out.
- (3) There shall only be one (1) life sustaining utility connections (i.e. water, sewer, electrical, gas).
- (4) There shall be 24 hour access between the main residence and this unit.

(5) There shall only be one (1) dedicated exterior door access into this unit, this is not intended to exclude access to a patio that is not visible from any public way.

(6) A city inspection of the accessibility between the main residence and this unit shall be conducted at least every five (5) years or upon a legitimate compliant, or change of ownership.

(7) A document identifying the nature of this unit SHALL be recorded with the county.

(8) There shall only be one (1) address displayed for the entire structure and one (1) mailbox.

**“Family”**<sup>8, 67, 158</sup> means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a single family dwelling unit. (Ref UBC/IBC)

**“Family Food Production”** means the keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises as provided for in the applicable zone.

**“Fence, Solid”**<sup>199</sup> means a Fence that is intended to significantly block the view of items that are behind or enclosed within the Fence. An example of the minimum standard is considered to be a chain link fence with solid slats.

**“Floor Area”** means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal portion of the roof or floor above (Ref. UBC/IBC)

(1) Exception: Dwelling Unit: For the purpose of this ordinance the area of a dwelling unit not provided with surrounding exterior walls shall not be included in this calculation.

**“Final Grade”**<sup>126</sup> means (1) the grade of the finished surface, as of a canal bed, roadbed, top of embankment, or bottom of excavation; (2) any surface prepared for the support of construction, paving, landscaping, surfacing or layout of conduit.

**“Fowl Unit (Agricultural)”**<sup>170</sup> means the keeping of not more than the below-stated number of fowl:

(1) Fifty each of the following classes of fowl: chickens, pheasants, and pigeons provided that there may be a combination of said fowl but not to exceed 200 on residential lots of one acre or more. An

additional 200 may be allowed on the lot provided they are less than five months old. Or

(2) Ten each of the following classes of fowl: ducks, geese, and turkeys provided that there may be a combination of said fowl but not to exceed 20 on any lot of one acre or more, regardless of number of fowl units permitted thereon.

**“Fowl Unit (Residential chickens)”**<sup>170</sup> means the keeping of not more than six (6) chickens (hens only)

**“Frontage”**<sup>217</sup> means all the property fronting on one 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 of the side of the street which it intercepts. Frontage for lots in a cul-de-sac or knuckle of a street, which are irregular in shape, can use the front setback line to meet the development standards.

**“Garage, Private”**<sup>21, 104, 148, 169, 183, 198, 199</sup> means an enclosed space for the storage of one or more motor vehicles. A garage with an exterior width of less than 20 feet shall be designated as a single garage. A garage with an exterior width of 20 feet or greater shall be designated as a double garage. For the purpose of these regulations a private garage will fall into one (1) of three (3) categories:

(1) Garage Attached: the garage and dwelling having a roof or wall in common.

(2) Garage Accessory: located behind a dwelling with adequate access for a motor vehicle. Ref. §28-3-25 (2).

(3) Garage Detached: located adjacent to a dwelling and fronting a common street. Ref §28-3-25 (3)

**“Garage, Public”** means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing vehicles.

**“Garage and Yard Sales”**<sup>174</sup> means a garage sale, also known as a yard sale, rummage sale, tag sale, attic sale, moving sale, junk sale or an estate auction, is an informal, irregularly scheduled event for the sale of used goods by private individuals.

(1) Typically the goods in a garage sale are one (1) or more of any “new”, “like-new”, “gently used”, or just unwanted items from the household.

(2) The sales venue is typically a garage, driveway, carport, front yard, porch, or occasionally, the interior of a house.

(3) The sale is conducted by a legal resident of the premises, and the legal resident MUST conduct and be present during all hours of each individual garage sale.

(4) Garage sales are not to occur more than eight (8) days in any calendar year, no more than three (3) consecutive days in any one (1) event.

(5) Hours of operation shall be limited to 8 am to 8 pm.

**“Grade”**<sup>126</sup> means:

(1) The degree of rise or descent of a sloping surface, as of a street, channel, trench, pipe or lot;

(2) The ground level around a building, structure, or vegetation.

**“Hard Surface”**<sup>35</sup> means a permanent, impervious surface such as concrete, asphalt, or concrete pavers. Pavers shall be approved by the Building Official.

**“Home Business”**<sup>35</sup> means a general term referring to any commercial activity that is conducted by a person in residential structures existing on the same lot where such person resides. Examples of home businesses are:

(1) Home Offices

(2) Home Occupations

(3) Family Day-Care Centers

(4) Family Group Day-Care Centers

**“Home, Display”**<sup>175</sup> also called a Show Home: means a house within a housing subdivision that is decorated and furnished to show different living spaces and features of the builder to prospective home buyers, where NO business is conducted on site, but at a different location.

**“Home, Model”**<sup>175</sup> means a house within a housing subdivision that is decorated and furnished to show different living spaces and features of the builder to prospective home buyers, where business is conducted on site in an office.

**“Home Office”**<sup>35</sup> means a home office is an accessory use so located and conducted that the average neighbor, under normal conditions, WOULD NOT be aware of its existence. The use of a portion of a dwelling as an office, studio or work room for businesses which are customarily conducted in the home and are incidental to the primary use as a home or residence. Home offices shall be in compliance with the regulations and provisions contained in Chapter 6 of this ordinance.

**“Home Occupation”** means a home occupation is an accessory use so located and conducted that the average neighbor, under normal conditions, WOULD be aware of its existence. The use of a portion of a dwelling as an office, studio or work room for occupations which are customarily conducted in the home and are incidental to the primary use as a home residence. Home occupations shall be in compliance with the regulations and provisions contained in Chapter 6 of this ordinance.

**“Household Pets”** means 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 to constitute a kennel as defined in this Ordinance.

**“Impervious Surface”**<sup>9</sup> Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any other areas of concrete or asphalt.

**“Impervious Surface Ratio”**<sup>9</sup> means a measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a lot by the total lot area.

**“Impervious Surface Ratio, Residential Rear Yard”**<sup>118</sup> means a measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces in the rear yard by the total area of the rear yard.

**“Industry”**<sup>19</sup> means productive action using mechanical power and machinery to process products from semi-processed or raw materials.

**“Industry, Light”**<sup>19</sup> An industry where all industrial processes are located inside a building and no raw materials or finished products are stored outside. Noise, odors, smoke wastes, and heavy truck traffic generated by such use shall be less than or comparable to uses classified as commercial in nature. No industrial use where toxic, explosive, or flammable materials are processed shall be classified as light industry.

**“Kennel”** means the land or buildings used in the keeping of three (3) or more dogs, at least four (4) months old.

**“Landscape or Landscaping”**<sup>148</sup> The installation of living plant material (i.e. turf grasses or turf type fescues, ground cover, annual and perennial flowering plants, vines, shrubs, and trees) planted directly on the property and kept free from all hard surfaces. The following may also be defined as landscaping when they are combined with installed living material:

(1) Water features (i.e. pools, fountains, falls and streams) and sculptures;

(2) Paving materials (i.e., bricks, pavers, flagstone, textured concrete) used to create a useful open space, ad color or texture to the design, and create visual interest provided that such material in the front yard setback are used only as trim or edging and not used as patios, sports surfaces, or areas where vehicles can be parked;

(3) Existing natural vegetation of shrubs (e.g., wood’s rose, willows, currant, sagebrush) or trees (e.g., box elder, gamble oak, maple or birch).

**“Landscaping, Non-living”**<sup>148</sup> Rocks, gravel, mulches, wood chips or other non-living materials typically used in landscaping may be used as ground covers under plant materials. Such materials used solely as ground cover, without plants above, will not cover more than ten (10) percent of the ground area required to be landscaped. If more than ten (10) percent is desired, approval must be given by the planning staff based on the criteria in § 3.20.3 for Commercial developments and § 3.21.3 for residential dwellings of this title.

**“Living Space”**<sup>67</sup> means finished space in a dwelling unit for living, sleeping, eating, cooking, sanitation, or unit mechanical and plumbing systems. Does not include cellars, crawl spaces, unfinished basements, or other areas not devoted to dwelling use.

**“Living Space, Minimum”**<sup>67</sup> means the smallest living space permissible within an indicated dwelling unit.

**“Lodging House”** means a building where lodging only is provided for compensation to two (2) or more, but not exceeding fifteen (15) persons.

**“Lot”**<sup>35</sup> means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**“Lot, Building”**<sup>35, 69, 161</sup> means a parcel of land occupied or to be occupied by a main or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as required by this ordinance and having frontage upon a public street in which frontage does not include any part of the temporary end or dead end of a street designed for a through street without development of a cul-de-sac. Except for private streets approved as part of a Performance Subdivision in accordance with 28-19.

**“Lot, Commercial”**<sup>69</sup> means a parcel of land occupied or to be occupied by a main building or group of buildings as part of an approved site plan and plat processed through the Planning Commission as a commercial development. Such development is to include all parking and open spaces required by this ordinance and the Subdivision Ordinance and each parcel is to have complete access and right-of-way to a public street by means of a Declaration of Restrictions which is to be recorded, with the county recorder's office against all properties within the development at the time of recordation of the plat.

**“Lot, Corner”** means a lot abutting on two intersecting streets. The property owner may designate the front yard on one street. The other street frontage then becomes the exterior side yard. The property owner may then designate the interior side yard and the rear yard.

**“Lot, Interior”** means a lot other than a corner lot.

**“Lot Development Standards”** means the established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this Ordinance as indicated in 28-1-2.

**“Manufactured Housing”**<sup>38</sup> means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1975 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

**“Mobile Home”**<sup>38</sup> means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal manufactured Housing and Safety Standards Act (HUD Code).

**“Mobile Home Park”** means a parcel of land which has been planned and improved for the placement of mobile homes for residential use.

**“Nonconforming Building”** means a building or structure or portion thereof lawfully existing at the time any applicable zoning regulation or regulations become effective, the design, erection, use, height, area, and yard dimensions of which do not conform to the provisions of such regulation or regulations.

**“Nonconforming Use”** means the prior lawful use of land which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.

**“Open Green Space”** means an open space suitable for relaxation or landscaping. It shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, except that such open green space may be traversed by necessary sidewalks.

**“Open Space Easement”** means an easement granted to the City of Clinton by the developer on and over land in that subdivision which provides and guarantees that the designated common open space and recreation land is permanently reserved for and can be used only for open space and recreation purposes in accordance with plans and specifications approved by the Planning Commission and City Council at the time of approval of the development.

**“Parking Lot”** means an open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients and customers.

**“Parking Space”**<sup>126</sup> means the space within a building, lot or parking lot for parking or storage of one (1) vehicle or trailer in compliance with the requirements of 28-4.

**“Pasture”** means a grassed area of land of one (1) acre or more in size used for the grazing of animals.

**“Patio Covers”**<sup>95</sup> means patio covers are one-story structures not exceeding twelve (12) feet in height intended to provide protection against the elements over a patio, deck, or porch.

**“Patio House”**<sup>126</sup> means a one-family, typically one-story, dwelling located on and along at least one side-lot line, with a court or patio area enclosed by fences or walls.

**“Patio or Deck or Porch”**<sup>95</sup> means a structure either at grade or elevated attached or unattached to a residence designed for outdoor activities associated with a residential use.

**“Preschool, Residential Neighborhood”**<sup>17, 179,</sup> means any non-commercial, private premises being used by the owners/residents for the instruction and

care of up to eight (8) children, related and unrelated, between the ages of three (3) and six (6) years of age for up to three (3) hours at any one time, conducted no more than five (5) times per week and where meals are not served. Children under the age of six (6), of the owner/resident, shall be included in the number of children allowed in the preschool.

**“Public Utility Substation”**<sup>95</sup> means a structure, site, area, or similar facility associated with a utility such as telecommunications, power, sanitary sewer, water, or similar utility that is constructed on site and intended to supplement or increase the capability of the utility. Substations are generally: built on site, within an enclosed area or constructed as part of an overall facility site; taller than 6-feet; large enough or intended for a person to enter; or any combination of these items. Examples of a Public Utility Substation could be but are not limited to pumping stations, cellular phone towers, power substations, and telecommunication structures larger than otherwise defined in this ordinance.

**“Retail”**<sup>71</sup> means the sale of goods or articles individually or in small quantities directly to the consumer.

**“Right-of-Way”** means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**“Setback”**<sup>95, 104, 190</sup> means the measurement taken from the property line to the outer surface of the building wall at its furthest extension toward the lot line. Building wall shall be interpreted to include any cantilevered exterior walls, bays, or bump-outs extending beyond the foundation.

(1) Unenclosed porches, located within the front yard setback, with or without a patio cover shall be excluded from such setback measurement if the porch conforms to each of the following three sub-sections.

(a) Total length does not exceed 15% of the length of the dwelling (excluding attached garages).

(b) Does not protrude into an excess of 15% of the required front yard setback distance.

(c) Any roof covering must conform to a. and b.

(2) Unenclosed, rear or side porches shall be excluded from setback measurement if the porch conforms to each of the following sub-sections.

(a) Total width of the patio, deck, or porch does not extend into the required side-lot setback on one side of the dwelling. The patio, deck, or porch shall not

extend at any point extend above grade within any required side-lot setback.

(b) Total impervious surface ratio, established elsewhere in this ordinance is not exceeded.

(c) Rear setback of the porch is not less than one-half of the required setback.

(d) Design shall be such that run-off does not flow onto adjoining property

(e) Any roof covering shall not infringe upon minimum side lot setback requirements.

(f) Unenclosed covered detached porches shall meet the requirements of an accessory building. For the purpose of this section unattached means not directly attached to the dwelling.

(3) Enclosed, rear, or side porches shall conform to the setback requirements for the main dwelling when attached or for accessory buildings when unattached.

**“Sexually Oriented Business”**<sup>71</sup> shall be defined as provided in Title 19, Chapter 2, of the Clinton Municipal code.

**“Shed” or “Yard Shed”**<sup>169, 219</sup> means an enclosed space or covered area outside of an enclosed space less than 200 square feet, not including eaves, for the storage of yard tools and supplies, motorized yard equipment, and household items, etc.. Includes greenhouses, play houses, forts, and other play structures. Does not include landscape features such as pergolas, arbors, or other skeleton type structures.

**“Shed Temporary”**<sup>169</sup> means an enclosed space used for temporary storage of household goods. An example of a temporary shed is a commercial product called a “Pod”.

**“Sight Triangle”**<sup>126</sup> means the triangular area at the intersection of two streets or a street(s) and drive designed for increased traffic flow into a commercial, light manufacturing, office or similar area formed by measuring a distance of 40 feet along both lot lines back from the point of intersection of said lines. Where no lot line exists or where the lot line is less than 9 ½ feet from the back of the curb measuring distance shall be 49 ½ feet from the back of curb or edge of asphalt. At no time shall the sight triangle be less than 40 feet from the planned right-of-way line for a street.

**“Sign”** 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. All signs in Clinton City shall be in compliance with the regulations and provisions of the Clinton City Sign Ordinance.

**“Stable, Private”** means a detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

**“Stable, Public”** means a stable other than a private stable.

**“Story”** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**“Story, First”** means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

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

**“Street”** means a public thoroughfare, dedicated, abandoned, or condemned for public use, which affords the principal means of access to abutting property and is more than twenty-six (26) feet wide.

**“Street Major”**<sup>199</sup> means a Collector, Minor Arterial, or Principal Arterial street as indicated in the Clinton City Transportation Master Plan.

**“Street Private”**<sup>69</sup> means a private thoroughfare, as part of a Performance Subdivision developed as outlined in this ordinance and the Subdivision Ordinance for private use providing access to and from a public thoroughfare. Private streets are to be outlined on the approved final plat and recorded with the final plat of the subdivision. The recording of a private street is to grant access to all land owners with frontage on the private street and the city for

access to all city facilities within a development. (ref. lane, private)

**“Structure”** means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**“Structural Alterations”** means any change in supporting members of a building, such as bearing walls, columns, beams or girders.

**“Swimming Pool”**<sup>13</sup> means any artificial or semi-artificial container, whether outdoors or indoors, and whether above or below the surface of the ground, or both, used or intended to be used to contain a body of water for swimming by any person or persons, together with all permanent structures, equipment, appliances, and other facilities used or intended for use in and about the operation, maintenance, and use of such pool.

**“Technical Building Codes”** means the building and construction codes adopted by the state such as the Uniform Codes or the International Codes as stipulated by the Uniform Building Codes Commission.

**“Telecommunication Structure”**<sup>95</sup> means a structure, site, area, or similar facility associated with the electrical, telecommunications or similar industry that is constructed off site and is transported to a location to be installed. Unless otherwise stated in this ordinance a Telecommunication Structure is generally considered to be over four feet tall but less than or equal to six (6) feet tall or covers an area equal to or less than 120 feet in footprint.

**“Town House”**<sup>126</sup> means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides, and each unit is located on a separately recorded lot.

**“Twin Homes”**<sup>126</sup> means a building consisting of two single family dwelling units in which each unit has its own direct access to the outside, no unit is located over another, each unit is located on a separately recorded lot and with open space on at least three sides. Not to be confused with a duplex where the building is located on one lot.

**“Use”** means the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**“Use, Accessory”** means a subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted exclusively to the main use of the premises.



**“Use, Conditional”** means a use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in 28-5, intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

**“Use, Permitted”** means any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.

**“Visual Clearance Triangle”** <sup>126</sup> see Sight Triangle

**“Width of Lot”** The distance between the side lot lines measured along the minimum front yard setback line.

**“Yard”** means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.

**“Yard, Front”** means an open space extending the full width of the lot measured between the front lot line and the closest part of the main building, which open space is unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

**“Yard, Rear”** <sup>3</sup> means an open space between a building and rear lot line, unoccupied and unobstructed from ground upward and extending across the full width of the lot, except as specified elsewhere in this Ordinance. On lots that are other than rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of a dwelling to the nearest point of the rear lot line; however, the shortest distance used in determining the average may not be less than twenty (20) feet.

**“Yard, Side”** means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance. A side-yard on the street side of a corner lot shall be known as an exterior side yard.

(1) On lots where the side lot lines are not parallel, the required minimum side-yard on one side only may be an average of the distances measured from the side corners of the structure to the nearest point of the side lot line. However, the shortest distance used in determining the average may not be less than 8 feet in a side yard requiring a ten (10) foot setback

and may not be less than six (6) feet in a side yard requiring an 8 foot setback. This method of averaging does not apply to the exterior side yard.<sup>14</sup>

**“Zero Lot Line”** <sup>126</sup> The configuration of a building on a lot such that one or more of the building’s sides located on and along the lot line.

**“Zone”** The geographical area of the City within which the zoning regulations are uniform

Historic Changes to Chapter (see chapter 24 for details)

3, 4, 8, 9, 13, 14, 17, 19, 20, 21, 26, 35, 38, 67, 69, 71, 88, 95, 104, 106, 118, 119, 125, 126, 148, 161, 162, 163, 165, 169, 170, 172, 174, 175, 179, 181,198,199, 219