



TOWN OF PORTAGE - LAND USE ORDINANCES

previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

102.0 DEFINITIONS

102.1 Applicability

The words and terms defined in this Ordinance shall have the meaning 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 this Ordinance shall be construed as termed therein. The word "shall" is mandatory.

102.2 Terms

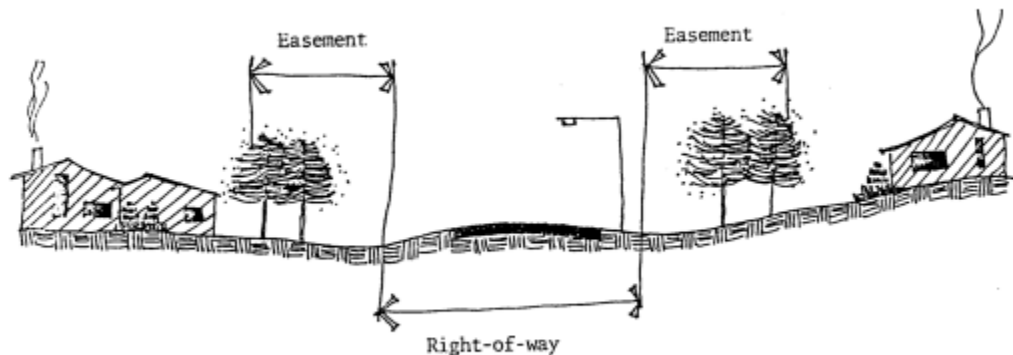
1. **Agriculture** - The tilling of the soil, the raising of crops, horticulture and gardening, but not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.
2. **Boarding House** - A house where rooms and meals are provided for pay. Individual rooms in a boarding house shall not contain cooking facilities. No more than 4 paying guests unrelated to the owner or owners of the boarding house shall be accommodated at any one time.
3. **Building** - Any structure built or erected for the support, shelter, or enclosure of persons, animals, chattel or property of any kind.
4. **Building, Accessory** - A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.
5. **Building, Main** - The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use of the lot.
6. **Building, Height** - The vertical distance from the grade elevation to the highest point of the coping of a flat roof, or to the deck line of a mansard roof a roof with 2 slopes on each of the 4 sides, or to a point midway between the lowest part of the eaves or cornice the ridge of a pitch or hip roof. Grade elevation shall be the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.
7. **Building, Public** - 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 Town of Portage.
8. **Cluster Development** - A residential development project in which the areas, widths and setbacks of residential lots are reduced below the minimum area, width and setback requirements of the zone in which the development is located. That land which is saved by reducing the



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minimum area and width requirements shall be set aside for the public for open space use of residents of the development.

9. **Comprehensive Plan** - The Portage Master Plan.
10. **Conditional Use** - A use of land for which a conditional use permit is required as specified in the Land Use Chart. Section 111 specifies procedures to be used in applying for and the granting of a Conditional Use Permit.
11. **Dairy** - A commercial establishment with 30 or more milking cows for the manufacture, processing or sale of dairy products.
12. **Child Day Care** - An establishment for the care and/or instruction of 5 or more children, for compensation, other than members of the family residing on the premises, but not including a public school.
13. **Corral** - An enclosed area for the keeping of livestock where feed must be brought in on a regular basis. See Animal and Fowl Regulations, Section 107.
14. **Dwelling** - Any building or portion thereof which is designed for residential use, except hotels, motels, boarding houses, lodging houses, and tourist courts.
15. **Dwelling Unit** - A building or portion of a building, which is arranged, designed, occupied or intended to be occupied by 1 family. A dwelling unit contains living quarters, sanitary facilities, sleeping and food preparation facilities.
16. **Dwelling, Single Family** - A building designed or arranged to be occupied by one family.
17. **Easement** - A non-possessory interest in real property which gives the holder of such property the right to use some part, or all, of the real property of another.



18. **Exotic Animals** - Undomesticated animals or fowl kept as pets or livestock which are not native to the U.S. or which are not customarily kept as pets or livestock.



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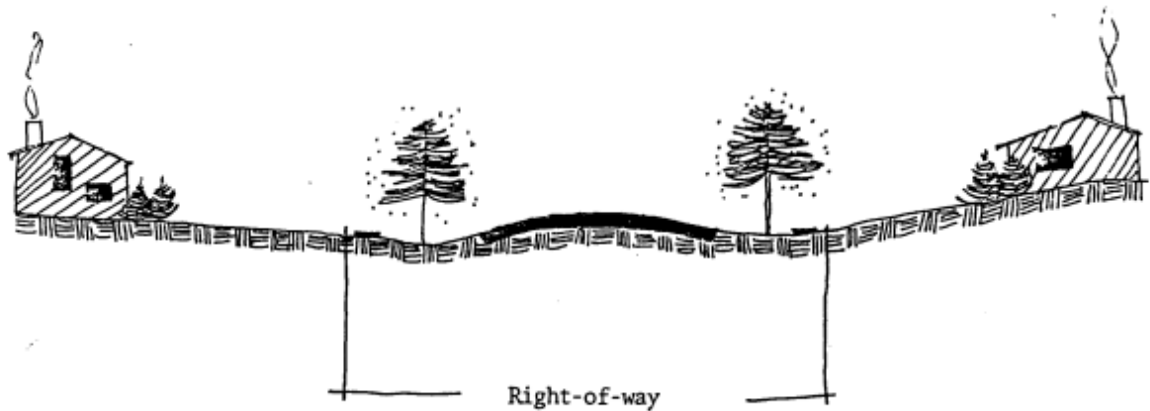
19. **Family** - One or more persons related by blood, marriage or adoption, or a group of not more than 4 unrelated persons living together as a single nonprofit housekeeping unit.
20. **Feedlot** - An open area where domesticated livestock are grouped together for intensive feeding purposes prior to their sale for slaughter. See Animal and Fowl regulations, Section 107.
21. **Fence** - A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls.
22. **Fractional Numbers or Measurements** - In determining the requirements of this Ordinance, whenever a fraction of a number or a unit is one-half or more, said fraction of a number or a unit resulting from a computation is considered as a whole number or a unit; where the fraction is less than 1/2, said fraction shall not be included in determining requirements.
23. **Front Lot Line** - The property line of the lot toward which the front of a main building faces or may face, and which abuts a public dedicated street, a right-of-way approved by the Board of Adjustments, on a street made public by right of use. For a corner lot, the property line adjoining either street, as selected by the lot owner.
24. **Frontage** - All 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 on the side of the street, which it intercepts.
25. **Home Occupation** - Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling. Such use shall be clearly incidental and secondary to the use of the building for residential dwelling purposes. In addition, a home occupation shall meet the following criteria:
 - a. No more than 20% of the floor area of the dwelling unit shall be used for the home occupation.
 - b. No more than one person, not part of the family residing on the premises, shall be employed by the home occupation.
 - c. No structural alterations to the exterior of the dwelling shall be permitted.
 - d. No accessory building or use of land not customarily associated with and incidental to the main residential use shall be used for a home occupation.
26. **Kennel** - The land or buildings used in the keeping of 3 or more dogs at least 4 months old.
27. **Landscaping** - The area maintained in live plants.
28. **Lot** - A parcel of land, held in separate ownership, occupied or capable of being occupied by a permitted or conditional use, building or group of buildings (main and accessory), together, with such yards, open spaces, lot widths and lot areas as are required by this Ordinance and having



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frontage upon or access easement to a street. Not more than one dwelling structure shall occupy any one lot.

29. **Lot, Corner** - A lot abutting on two intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.
30. **Lot, Interior** - A lot other than a corner lot.
31. **Mobile Home** - A movable living unit designed to be transported after fabrication on its own wheels, attached wheels or low boy, and suitable for year-round occupancy. Mobile homes shall meet ANSI standards and Utah Motor Vehicle Standards but need not meet building code requirements of Portage for other structures. See Mobile Home Regulations, Section 106.
32. **Modular, Prefab or Sectionalized Home** - A manufactured dwelling unit, designed to be transported after fabrication, which meets the building code requirements of Portage and which is placed on a permanent foundation.
33. **Natural Waterways** - Those areas, varying in width, along streams, creeks, springs, gulleys, or washes which are natural drain- age channels as determined by the Utah State Geological and Mineralogical Society, in which areas no buildings shall be constructed.
34. **Public Facilities** - Structures for the use and benefit of the community, including but not limited to schools, hospitals, churches, parks or cultural buildings.



35. **Right-of-way** - A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks, and other public utilities or service areas.
36. **Setback** - The shortest distance between the property line and the foundation, wall, or main frame of the building.
37. **Sign** - Any device used for visual communication to the general public and displayed out of doors.



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38. **Sign, Animated** - A sign which involves motion or rotation of any part created by artificial means or displays flashing or intermittent lights.
39. **Sign, Business** - A sign which directs attention to a use conducted, a commodity sold, or service performed on the premise.
40. **Sign, Free Standing** - A sign which is supported by one or more columns, uprights or braces in or upon the ground.
41. **Sign, Information** - A sign indicating directions to and the character of businesses, public facilities, private institutions, points of interest, and other communities.
42. **Sign, Name Plate** - A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises or indicating a home occupation legally existing on the premises.
43. **Sign, Temporary** - Temporary signs shall include any sign, banner pennant or advertising display constructed of cloth, canvas, light plastic, cardboard, wallboard, or other light materials with or without frames, intended to be displayed for 30 days or less and for the purpose of announcing a special event, advertising or directing persons.
44. **Sign, Wall** - A sign which is affixed to an exterior wall of a building or structure and which projects not more than 18 inches from the building or structure wall and which does not extend above the parapet, eaves or building facade of the building on which it is located.
45. **Nonconforming Building or Structure** - A building or a structure which does not conform to the regulations for height, coverage, setbacks or yards of the zone in which it is situated, but which was in conformity, with applicable regulations, if any, at the time of its erection.
46. **Nonconforming Lot** - A parcel of land in separate ownership at the time of the adoption of this Ordinance and which did not then meet the lot area or lot width requirements and whose size has not been diminished or changed by sale or lease since the time of the adoption of this Ordinance.
47. **Nonconforming Use** - The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.
48. **Nursery** - See Child Day Care.
49. **Off-street Parking** - The parking area located on the same property as the dwelling or business, which does not intrude on to the road right-of-way.
50. **Open Space** - 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 space may be traversed by necessary sidewalks.
51. **Pasture** - An area of land maintained in permanent grasses and used for the grazing of animals. See Animal and Fowl Regulations, Section 107.



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- 52. Planned Unit Development** - A development in which the regulations of the zone in which the development is located are modified or waived to allow flexibility and initiative in site and building design, land use and housing density and mix in accordance with an approved plan.
- 53. Planning Commission** - The Planning Commission of Portage, Utah.
- 54. Single Family Home** - See Dwelling, Single Family.
- 55. Street** - A public thoroughfare, which affords principle, means of access to abutting property, and is more than twenty-four (24) feet wide.
- 56. Structure** - Anything constructed or erected, the use of which requires location on ground, or attachment to something having location on the ground.
- 57. Structural Alterations** - Any change in supporting members of a building, such as bearing walls, columns, beams or girders.
- 58. Town Council** - The Portage Town Council.
- 59. Use** - The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
- 60. Use, Accessory** - A subordinate use customarily incidental to and located upon the same lot occupied by the main use and devoted to the main use of the premises.
- 61. Use, Permitted** - Any use lawfully occupying land or buildings as authorized in the zone regulations and for which no Conditional Use Permit is required.
- 62. Width of Lot** - The distance between the side lot lines measured along the minimum front yard setback line.
- 63. Yard** - An open space on a lot unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings, or structures except as otherwise provided herein.
- 64. Yard, Front** - An open space on the same lot with a building between the front setback line for the building (exclusive of steps) and the front lot line and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the front setback line of the building. On a corner lot, the front yard may be applied to either street.
- 65. Yard, Rear** - An open, unoccupied space on the same lot with a building between the rear setback line for the building (exclusive of steps) and the rear lot line and extending the full width of the lot. In the case of a corner lot where the building faces on the side street, the rear yard may be established from the side of the house to the side property line.
- 66. Yard, Side** - An open, unoccupied space on the same lot with a building between the side setback line for the building (exclusive of steps) and the side lot line and extending from the front yard to the rear yard.
- 67. Zone** - The geographical area of the Town within which the zoning regulations are uniform.



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68. Zoning Ordinance - The Zoning Ordinance of the Town of Portage, Utah.

103.0 ADMINISTRATION

103.1 Zoning Administrator - Authority and Duties

(CHANGE JUNE 2002)

The Zoning Administrator shall be the Planning and Zoning Commission as a whole.

The zoning administrator is hereby authorized to enforce this Ordinance and all provisions thereof and shall do so by any legal means available, including but not limited to the following:

1. Advise the building inspector on the issuance of building permits. (If the zoning administrator gives written notification to the building inspector that an intended use, building, or structure would be in violation of this Ordinance, such written notification shall be a presumption of illegality and the building inspector shall not issue a building permit for such use, building, or structure. If the offices of building inspector and zoning administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification.)
2. Issue a permit of occupancy to the effect that the proposed use, building or structure will conform to all ordinances of the Town of Portage.
3. Inspect the uses of building, structure or land to determine compliance with the Ordinance. Such inspections shall be made at reasonable times.
4. Issue Notices of Violation wherever building or land is being used contrary to the provisions of this Ordinance. (This shall be done by serving notice in writing on any person engaged in said use and posting such notice on the premises.)
5. Inform the Town Council of all Ordinance violations and recommend specific courses of action with regard to each violation.
6. Maintain a file of Ordinance violations and action to be taken by the Town Council on such violations.

103.2 Amendments to Zoning Ordinance and Map

The Town Council may amend this Ordinance, including the zoning map, but only in accord with the following procedure:

1. The Town Council may initiate Ordinance amendment recommendations. When the proposed amendment originates with the Town Council, it shall be submitted to the Planning Commission for review and comment. The Planning Commission may initiate Ordinance amendment recommendations to the Town Council. Any other person seeking to amend this Ordinance or