

Chapter 12.29 Definitions

12.29.1 Purpose and Intent

12.29.2 Definitions

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The purpose for including certain definitions as part of this ordinance is to clarify meaning specific to this ordinance. Words and phrases used in the present tense include the future, singular words include the plural as well as the singular.

12.29.2 Definitions

The following definitions are specific to this ordinance. If there is occasion to need interpretation of any word or phrase not listed below, the Board of Adjustment shall provide the interpretation.

1. Agriculture - Agriculture shall mean the growing of soil crops in the customary manner in the open. It shall not include livestock raising activities.
2. Apartment House - See dwelling - multi-family.
3. Agricultural Support Facilities - Facilities, products or services including, but not limited to the following:
 - a. Storage of agricultural products
 - b. Meat cutting and packaging
 - c. Tree sales
 - d. Reserved (*amended 10/8/2002 Ord. 2002-13*)
 - e. Fur Farms
 - f. Boarding of Animals
4. Batching Apartment - A dwelling unit occupied by four (4) or more unrelated individuals.
5. Boarding House - A dwelling containing not more than one kitchen where, for compensation, meals are provided pursuant to previous arrangements on a daily, weekly, or monthly basis as distinguished from a hotel, cafe, or rooming house.
6. Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
 - a. Building, Accessory - A subordinate building, the use of which is incidental to that of the main building.
 - b. Building, Main - One or more of the principal buildings upon a lot. Garages, carports, and other buildings which are attached to a dwelling or other main building or which are situated within 10 feet of a main building shall be considered as a part of the main building.
- c. 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.
7. Build-To Line - The minimum distance a primary structure must be constructed from a property line measured to the foundation wall of the structure.
8. Carport - A structure not completely enclosed by walls for the shelter of automobiles.
9. Common Area - An area designated to serve two (2) or more dwelling units in separate ownership with convenient access to the area.
10. General Plan (Master Plan) - A coordinated plan which has been prepared and adopted for the purpose of guiding development, including but not limited to a plan or plans of land use, resources, circulation, housing, and public facilities and grounds.
11. Conditional Uses - A use which has been specifically permitted by the terms of this ordinance and which requires special consideration by the Board of Adjustment, Planning Commission, or City Council before a permit therefore may be issued.
12. Condominium - The 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.
13. Condominium Project - A plan or project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, commercial or industrial buildings, or structures. Condominium project shall also mean the property when the context so requires.
14. Density - The term density shall mean the number of dwelling units per acre of land.
15. Documentation - Declaration - The legal instruments required under the provisions of this ordinance and applicable State law for approval of large scale development.
16. Drive-in, Retail - Any form of merchandising, serving or dispensing of goods in which the customer is serviced while in his automobile.
17. Dwelling
 1. Dwelling Unit - A building having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families, but not

- including hotels, motels, boarding houses, or other facilities offering transient lodging facilities. *(amended 3/11/2003 Ord. 2003-05)*
2. Dwelling, Single-Family - A dwelling containing only one (1) dwelling unit. *(amended 3/11/2003 Ord. 2003-05)*
 3. Dwelling, Two-Family - A dwelling containing two (2) dwelling units. *(amended 3/11/2003 Ord. 2003-05)*
 4. Dwelling, Multi-Family - A dwelling containing three (3) or more dwelling units. *(amended 3/11/2003 Ord. 2003-05)*
 5. Dwelling, Caretaker's - A dwelling which is occupied by an individual or family whose livelihood is derived primarily from watching or taking care of a farm, industry or other use which is located on the same premises as the dwelling.
 6. Dwelling - Conventional Construction - A dwelling that is constructed in compliance with the provisions of the Building, Mechanical, Electrical, Plumbing and other applicable Construction Codes, standards rules and regulations adopted by the City. *(amended 3/11/2003 Ord. 2003-05)*
 7. Dwelling unit - One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes one (1) kitchen, where all rooms are for exclusive use by a single family maintaining a household in the dwelling unit. *(amended 3/11/2003 Ord. 2003-05)*
 8. Dwelling Unit, Accessory - A second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling. *(amended 3/11/2003 Ord. 2003-05)*
 18. Family - An individual of two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include two, but not more than two, non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, a fraternity, club, or institutional group.
 19. Day Care Center - A dwelling unit wherein ordinary care and supervision are provided during customary day-time periods by the resident family to non-related persons. To qualify, the dwelling must be approved by the State Division of Social Services or other appropriate State agency.
 20. Fence, Sight-Obscuring - A fence having a height of at least six (6) feet above grade which permits vision through not more than ten percent (10%) of each square foot more than eight (8) inches above ground.
 21. Final Plat - Record of Survey Map - A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable City standards and/or state statutes for the purposes of recording in the office of the County Recorder.
 22. Flood, 100 year - A flood, the magnitude of which will probably occur only once in 100 years.
 23. Flood Channel - A natural or artificial water course with definite bed and banks to confine and conduct flood water.
 24. Floor Area - The sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses of headroom height (6 feet), measured from the exterior walls or from the center line of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc.
 25. Foster Care Home - A dwelling unit wherein room, board, care, and supervision are provided by the resident family under the approval and supervision of the State Division of Social Services or other placement agency licensed by the State to provide for children who are unrelated to the resident.
 26. Grade of Building
 - a. For buildings fronting one street only -- the elevation of the sidewalk or center line of street, whichever is higher, at right angles to the midpoint of the fronting walls.
 - b. For buildings fronting on more than one street -- the average of the elevations of the sidewalk or center line of surrounding streets, whichever is higher.
 27. Grade of Street and Driveways - Grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.
 28. Guest - A person staying or receiving services for compensation at a hotel, motel, boarding house, rooming house or rest home, or similar use.
 29. Height of Building - The weighted average vertical distance from the grade to the top of the outside walls of the building.
 30. Home Occupation - Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.
 31. Household Pets - Cats and dogs and other

- domestic animals ordinarily permitted in the house and kept for company or pleasure and not for profit. Household pet shall not include chickens, ducks, geese or other domestic farm-variety animals nor any animals which are capable of inflicting harm or discomfort or endangering the health, safety or welfare of any person or property. (*amended 10/8/2002 Ord. 2002-13*)
32. Reserved.
33. Junk Yard-Salvage Yard - A place where scrap, waste, discarded salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including 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.
34. Information Brochure - A written statement setting forth the organizational structure of a Home Owners Association, and the rights and obligations of the developers, Home Owners Association, lot owners and the City.
35. Landscaping - Landscaping shall mean the use and integration of a combination of planted trees, shrubs, vines, groundcover, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an esthetically pleasing arrangement as determined by the Planning Commission or their authorized representatives. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this ordinance.
36. Land Use Plan - A plan adopted and maintained by the City Planning Commission, which shows how the land should be used - an element of the Comprehensive Plan.
37. Lodging House - A building containing sleeping rooms that are rented to guests on a daily or weekly or monthly basis.
38. Lot
- d. Lot Corner - A lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
 - e. Lot Interior - A lot other than a corner lot.
 - f. Lot Line, Front - The front boundary line of a lot bordering on the street.
 - g. Lot Line, Rear - A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gorshaped lot, the rear lot line shall be a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of at least ten (10) feet.
- h. Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.
- i. Lot, Zoning - A parcel of land which:
- i. Complies with all existing area frontage, width, setback, and supplementary requirements of the zone in which it is located.
 - ii. Has frontage on a City street, which street has (a) been accepted by the City Council and has been improved in accordance with City standards and is in use by the public, or (b) has frontage on a private right-of-way within an approved large scale development.
 - iii. Is shown as a separate lot in an approved subdivision plat or large scale development plan, which plat or plan has been approved in accordance with the applicable ordinances or which is exempted from compliance with said ordinances.
39. Master Plan - See Comprehensive Plan.
40. Mobile Home - A dwelling unit which complies with the Mobile Home Building Code as adopted by the State of Utah and which is designed to be transported, after fabrication, on its own wheels or on detachable wheels and which is ready for occupancy as an independent dwelling unit except for connection to utilities. The term "Mobile Home" shall also include any vehicle meeting the above description which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such use, but shall not include a recreation vehicle or a mobile appearing house which complies with the City's adopted Building, Mechanical, Electrical, and Plumbing Codes.
41. Mobile Home Park - An area or tract of land used to accommodate two or more mobile homes.
42. Nonconforming Building - A building, structure, or portion thereof, which does not conform to the regulations of this ordinance applicable to the zone or district in which such building is situated, but which legally existed prior to the effective date of the controlling provision.
43. Nonconforming Lot of Record - A parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the County

- Recorder as an independent lot prior to the effective date of now controlling provision.
44. Nonconforming Use - A legal use of premises which does not conform to the regulations of this ordinance but which existed at the effective date thereof.
 45. Offsite - Shall mean of or pertaining to the territory outside of the boundaries of a particular project.
 46. Onsite - Shall mean of or pertaining to the territory within the boundaries of a particular project.
 47. Open Space - Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.
 48. Open Space Preservation Agreement - An agreement between the City and a property owner in which the property owner agrees for himself and his successors and assigns to refrain from constructing dwellings and other buildings on a specific parcel of land for a specific period of time.
 49. Open Space Easement - The right or privilege to preserve a specific parcel of land in open space.
 50. Parking Space - A space, not less than twenty (20) feet in length and not less than eight and five-tenths (8.5) feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps.
 51. Person - An individual, corporation, partnership, association, trustee, or other legal entity.
 52. Permitted Use - A use of land, building, or structure that is allowed within a zone under the terms of this ordinance.
 53. Planned Unit Development - A tract of land that is planned and developed as a single entity and wherein part of the land facilities is held in common.
 54. Planting Plan - 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.
55.
Premises - A zoning lot together with buildings and structures located thereon.
56. Primary - The main use or structure on a parcel. Accessory uses are not to be defined as primary uses.
 57. Public Parks and Playgrounds - Shall mean a tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.
 58. Required Yard - The yard resulting from the application of the minimum setback requirements within the zone.
 59. Residential Accessory Structure - A building or other structure which is incidental to and which is constructed on the same zoning lot as the dwelling for the exclusive use of the residents of such dwelling, including, but not limited to, a detached garage or carport for not more than three automobiles, swimming pools, pergolas, tennis courts, and private green houses.
 60. Rest Home - A dwelling for the care and keeping of elderly or infirm people affected with infirmities or chronic illness. To qualify said dwelling unit must be approved to operate by the State Division of Social Services or other state agency.
 61. Salvage Yard - See Junk Yard.
 62. Setback - The shortest distance between the lot line and the outside surface of the foundation, wall, or main frame of the building.
 63. Sign - Any device designed and intended to bring the subject thereof to the attention of the public, provided, however, that the following shall not be included in the application of the regulations herein:
 - a. Flags or insignia of any government except when displayed in connection with a commercial promotion.
 - b. Legal notices, curb (i.e., stop signs), and signs used for regulator, identification informational purposes erected by a governmental body.
 - c. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
 - d. Sign, Accessory - A sign that directs attention to a business or profession conducted on the premises.
 - e. Sign, Area of - That area enclosed by one continuous line connecting the extreme points or edges of a sign, excluding the main supporting sign structure and all other ornamental attachments not part of the main support. Where the sign consists of open letters or symbols, the area shall be considered to be that of the smallest parallelogram or triangle which encompasses all the letters or symbols. The area shall be determined using the largest silhouette useable at any one time. Free-standing or projecting signs having parallel planes not more than twenty-four (24) inches apart shall be considered as a single sign both as to number and area.
 - f. Sign, Non-Accessory - Billboard - A sign which directs attention to a business, commodity, service, or entertainment

- conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.
- g. Sign, Free-Standing - A sign which is not attached to or part of a building.
 - h. Sign, Facia - A sign attached to or erected against a wall or building with the face parallel to the building wall.
 - i. Sign, Moveable - A sign not permanently attached to the ground or building.
 - j. Sign, Projecting - A sign attached to a building or other structure and extending in whole or in part more than 15 inches away from the wall of the building or structure.
64. Slope - The average grade of the surface of land expressed either in percentage or in degrees.
 65. Special Exception - See Conditional Use.
 66. Story - That portion of a building included between the surface of a floor and the ceiling next above it.
 67. Street, Major - A road that has been designated on the City's Master Plan as a collector, arterial, or other principal thoroughfare as distinguished from a minor street.
 68. Street, Minor - Any dedicated street serving as the principal means of access to property, which street is not shown on the major street plan as a principal thoroughfare.
 69. Street, Public - A roadway that has been designated as a federal or state highway or which has been designated as a City street.
 70. Subdivision - Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 1. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.
 2. Subdivision includes division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
 71. Temporary Uses - Uses which are proposed to exist for a relatively short period of time.
 72. Tender - An offer or proposal made for acceptance.
 73. Unnecessary Hardship - A general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owner of other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.
 74. Variance - A reduction of a frontage, setback, area, or improvement requirements to a level which is less than that which is specifically set forth in this ordinance.
 75. Yard - The open space area on a lot or parcel, except for permitted protections and landscaping; encompassing the territory between the outer wall of the building and the closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel.
 76. Recreation Vehicle Court - A vehicle used or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes; having a width of not more than eight (8) feet and a length of not more than forty (40) feet, and which can be driven or pulled upon the highways without a special permit.
 77. Recreation Vehicle Court - An area or tract of land used to accommodate two or more vacation vehicles or camper units for a short period of time (less than 30 days).
 78. Repealed (*amended 3/11/2003 Ord. 2003-05*)
 79. Fish Hatchery - An establishment or premises used for the cultivation of fish or other aquatic or marine life for commercial, recreational or educational purposes. (*amended 8/27/2002 Ord. 2002-09*)
 80. Public uses - A facility or use, exclusive of public utility facilities, owned or operated exclusively by a public entity, have the purpose of serving the public health, safety and general welfare. Public uses shall be limited to uses and facilities on the property not exceeding two (2) acres. Public uses include such uses and facilities as libraries, community buildings, schools, fire stations, police stations, etc. (*amended 10/8/2002 Ord. 2002-12*)
 81. Kennel - A commercial establishment having three (3) or more dogs or cats for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. (*amended 10/8/2002 Ord. 2002-13*)
 82. Commercial Nursery - Land or greenhouses used to propagate and raise flowers, shrubs, trees, and

other plant materials for wholesale or retail sale.

(amended 1/13/2004 Ord. 2004-05

83. Agricultural products – include floricultural, horticultural, viticultural, forestry, nut, dairy, livestock, poultry, and any farm products. *(amended 1-22-08, Ord. 2008-02)*