

CHAPTER 2  
**DEFINITIONS**

SECTION:

10-2-1: Purpose  
10-2-2: Inclusions  
10-2-3: Definitions

10-2-1:       **PURPOSE:** For the purposes of this title, certain words and terms that are found herein shall be defined as found in this chapter. (Ord., 10-17-1989)

10-2-2:       **INCLUSIONS:** As they are defined in this chapter, words used in the present tense shall also include the future tense; words in the singular form shall also include the plural, and the plural the singular; words not included herein but which are defined in any adopted codes, shall be as defined therein. (Ord., 10-17-1989)

10-2-3:       **DEFINITIONS:**

**ABANDONED:**               A use, structure or object shall be deemed abandoned when that use, structure or object has not been used, maintained or practiced for a continuous period of at least nine (9) months.

**ACCESSORY BUILDING:**       A detached subordinate building, the use of which is clearly incidental, and customarily appropriate to the main building or use of land.

**ACCESSORY USE:**       A use clearly incidental, customarily appropriate, and subordinate to the main use of the building or land.

**AGRICULTURE:**       The tilling of the soil, the raising of crops, horticulture and gardening, the keeping and

	raising of farm animals and fowl as specifically permitted in the zone requirements, and accessory uses which shall not be construed as to permit any commercial activity.
ALTERATIONS, STRUCTURAL:	Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
BASEMENT:	A story partly or wholly underground. A basement shall be counted as a story for height measurement where more than one-half ( $\frac{1}{2}$ ) of its height is above the average level of the adjoining ground, or where more than three-fourths ( $\frac{3}{4}$ ) of any wall is above the level of adjoining ground.
BUILDING:	A permanently located structure having walls and/or a roof supported by columns or walls, intended for or used for the shelter, housing or enclosure of any person, animal, chattel or property of any kind.
BUILDING, DETACHED:	A freestanding building with open space on all four (4) sides.
BUILDING HEIGHT:	The vertical distance measured from the average finished grade to the highest point of any roof or coping.
BUILDING, MAIN:	The principal building or buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.
BUILDING SETBACK LINE:	The line of each face of the building or structure nearest a lot line, excluding allowable encroachments as enumerated in section 10-11-8 of this title.
CARPORT:	A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all of the regulations described in this title for a private garage.

CORRAL:	A pen or enclosure for confining livestock, usually without pasture grasses growing within it.
DENSITY:	The number of dwellings per acre of land. Public and private streets, existing or proposed, and other publicly dedicated areas, existing or proposed, are not included in the total acreage.
DUPLEX:	See definition of Dwelling, Two-Family.
DWELLING:	Any building or portion thereof designed or used for residential occupancy. This definition shall not include hotels, apartment hotels, boarding houses, rooming houses, foster homes, nurseries, rest homes, tents, trailers, mobile home parks, motels, or similar structures designed or used primarily for transient residential use.
DWELLING, ACCESSORY:	<p>A subordinate dwelling which:</p> <ul style="list-style-type: none"> <li data-bbox="673 1003 1352 1071">A. Has its own kitchen, living/sleeping areas, and sanitation facilities;</li> <li data-bbox="673 1108 1352 1213">B. Is developed on an existing residential lot or parcel within or attached to a new or preexisting owner occupied single-family dwelling; and</li> <li data-bbox="673 1251 1125 1276">C. Is used for housing by family.</li> </ul>
DWELLING, MULTIPLE-FAMILY:	A building arranged or designed to be occupied by more than two (2) families.
DWELLING, ONE-FAMILY:	A detached building designed for or occupied exclusively by one family, the structure having only one dwelling unit.
DWELLING, SECONDARY:	A second dwelling unit within a single-family dwelling which is secondary to the single-family dwelling and which is an architectural and integral part of a single-family dwelling. It is used exclusively for the occupancy of one family. No rent or other compensation may be

charged for occupancy of the secondary dwelling. The applicant/owner shall be required to sign a letter of agreement with the permit and building permit that states that the secondary residential dwelling unit is approved for individuals that are related by blood and the owner of the property must reside in either the primary or secondary dwelling. No permit issued for a secondary dwelling shall be assignable or transferable upon sale of the lot or otherwise and the permit shall expressly state such termination of the permit upon the sale or transfer of the property. Any permit issued hereunder shall be recorded with the Davis County recorder's office.

**DWELLING,  
TWO-FAMILY:**

A detached building designed for or occupied exclusively by two (2) families, and having only two (2) dwelling units.

**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 kitchen, but may include not more than two (2) kitchens, where all rooms are for exclusive use by a single family maintaining a household in the dwelling unit.

**FAMILY:**

Any of the following who occupy a dwelling unit:

A. One person living alone;

B. Two (2) or more persons related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; and up to two (2) other persons hired for compensation such as nannies, servants, gardeners, custodians or security guards residing on the same premises where the housekeeping unit is located;

C. Not more than four (4) unrelated individuals living together as a single housekeeping unit.

<b>FRONTAGE:</b>	The distance a lot extends along the right of way line of any street or approved private drive.
<b>GARAGE, PRIVATE:</b>	An accessory building or an accessory portion of the main building, designed primarily for the shelter or storage of vehicles owned or operated by the occupants of the main building, and in which no business is conducted for profit.
<b>GRADE, PLANE:</b>	A referenced plane representing the average of the finished ground level adjoining the building at all exterior walls.
<b>HOME OCCUPATION:</b>	See chapter 17 of this title.
<b>HOUSEHOLD PETS:</b>	Animals and fowl which are customarily allowed in the home and for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes or for food. Household pets shall not include a sufficient number of dogs to constitute a "kennel", as defined in this section, nor more than a total of two (2) pairs of small animals and fowl (such as rabbits, squirrels, chinchilla, hamsters, guinea pigs, chickens, pheasants, pigeons, ducks, etc.), and their dependent young not more than four (4) months old.
<b>KENNEL<sup>1</sup>:</b>	Any lot or premises on which three (3) or more dogs, at least four (4) months old, are kept.
<b>LOT:</b>	Any parcel of land shown as a delineated parcel recorded in the office of the Davis County recorder.
<b>LOT, BUILDING:</b>	A parcel of land which is of such dimensions as to comply with the minimum requirements of this title for area and width and depth in the zone in which it is located, and having frontage on a public street equal to at least fifty percent (50%) of the minimum required width at the front building setback line and which frontage does

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1. See also section 10-11-20 of this title.

not utilize any part of the temporary turnaround or end of a dead end street.

- LOT WIDTH:** The distance across a lot or parcel measured at the front setback line.
- MOBILE HOME:** Manufactured housing built on a chassis after June 15, 1976, meeting the mobile home construction and safety standards of the U.S. department of housing and urban development. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitches, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Mobile homes may only be located in approved mobile home parks.
- MODULAR HOME:** A dwelling unit which is fabricated in one or more sections in a location other than the home site by assembly line production techniques and meeting the building code, and designed for transportation to a site for installation and use when connected to required utilities. This definition shall not be construed to include mobile homes. (See definition of Mobile Home.)
- NONCONFORMING BUILDING OR STRUCTURE:** A building or structure, or portion thereof, lawfully existing at the time the ordinance codified herein became effective, which does not conform to all the height, area and setback regulations prescribed for the zone in which it is located.
- NONCONFORMING USE:** A use which was lawfully established and maintained, but which does not now conform with the use regulations of the zone in which it is located.
- NONVIEW OBSTRUCTING:** A fence, wall or hedge in which no more than twenty five percent (25%) of the plane (as viewed perpendicular to the fence) of the fence, wall or hedge obstructs view.

<b>PERSONAL SERVICES:</b>	Commercial uses which are primarily aimed at serving the daily convenience needs of individuals. Examples of such uses include bakeries, drugstores, newspaper and magazine stores, gift shops, banks, beauty and barber services, dry cleaning, and so on.
<b>PUBLIC USE:</b>	A use or facility owned and/or operated exclusively by a public body or agency, having the purpose of serving the public health, safety or general welfare. This definition shall include, but not be limited to, schools, municipal, county and state buildings, parks, water storage facilities, and so on.
<b>QUASI-PUBLIC USE:</b>	A use or facility owned and/or operated by a private nonprofit, religious, recreational, charitable or philanthropic institution, such use having the primary purpose of serving the general public. This definition shall include, but not be limited to, churches, hospitals, private schools, and so on.
<b>RESIDENTIAL FACILITY FOR THE DISABLED:</b>	See section 10-11-19 of this title.
<b>SETBACK:</b>	See definition of Building Setback Line.
<b>SIGN:</b>	See chapter 16 of this title.
<b>STORY:</b>	That portion of a building, other than a basement, included between the surface of any floor, and the surface of the floor next above it, or if there is no floor above, then the space between such floor and the ceiling above it.
<b>STREET:</b>	A thoroughfare which has been dedicated for public use and accepted by the proper public authority, or a thoroughfare by right of use, and which affords the principal means of access to abutting property; provided, that easements, walkways and alleys shall not be considered as "streets", for the purpose of this title.

STRUCTURE:	That which is framed, erected, constructed or placed upon the ground.
USE:	A purpose for which premises or buildings thereon are designed, arranged or intended, or for which they are or may be occupied or maintained.
USE, ACCESSORY:	A use incidental and subordinate to a permitted or conditional use and located on the same lot or parcel as such use.
USE, CONDITIONAL:	A main use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
YARD:	A space on a lot or parcel, other than a court, unoccupied and unobstructed from the ground upwards by buildings, except as otherwise provided in this title.
YARD, FRONT:	An area between the front lot line and the front setback line of a main building, and extending for the full width of the lot. Any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard.
YARD, REAR:	An area between the rear lot line and the rear setback line of a main building, and extending for the full width of the lot.
YARD, SIDE:	An area between the side lot line and the side setback line of a main building, and extending from the front yard to the rear yard. (Ord., 10-17-1989; amd. 10-16-2001; 3-22-2005; 2006 Code; Ord. 2007-03, 3-6-2007; Ord. 2010-01, 6-1-2010)