

CHAPTER 2

DEFINITIONS AND RULES

SECTION:

- 8-2-1: General Rules For Construction Of Language
- 8-2-2: Time Computation
- 8-2-3: Definitions !2R!

8-2-1: GENERAL RULES FOR CONSTRUCTION OF LANGUAGE:

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number. The word structure includes the word building, the word shall is mandatory and not directory and the word may is permissive.

8-2-2: TIME COMPUTATION:

In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. The date of a decision or recommendation of the planning commission shall be the date the hearing or such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant.

8-2-3: DEFINITIONS:

For the purpose of this title, certain words are hereby defined:

!DEF! ACCESSORY BUILDING: A detached, subordinate building, use of which is appropriate, subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. "Accessory building" includes any "storage container", as defined in this section.

AGRICULTURE: The tilling of the soil, the raising or grazing of livestock and raising of crops, horticulture and gardening, including the keeping or raising of domestic animals or fowl.

APARTMENT HOUSE: A multiple dwelling. See definition of Dwelling, Multi-Family.

AUTOMOBILE GRAVEYARD: Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

BASEMENT: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.

BOARDING HOUSE: A building containing rooms in which meals are provided for compensation to more than two (2) persons but which does not include provision for cooking in any guestroom.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING PERMIT: Written permission issued by the county building inspector for the construction, repair, alteration or addition to a structure.

CLUSTER SUBDIVISION: A form of development that permits a reduction in lot area requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the county, 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. Such use of land requires a conditional use permit pursuant to chapter 11 of this title.

CONTIGUOUS: Substantial touching between two (2) districts or areas of land which abut one another.

COUNTY: The unincorporated area of Daggett County.

DRIVE-IN REFRESHMENT STAND: A place of business where food and drink are sold primarily for consumption on the premises outside the structure.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, but not including hotels, tourist cabins and boarding houses.

DWELLING, FOUR-FAMILY: See definition of Dwelling, Multi-Family.

DWELLING, MULTI-FAMILY: A building or structure occupied as or designed or intended for occupancy as a residence for more than one family and containing two (2) or more separate dwelling units, which may be separated vertically or horizontally, but not including commercial lodging or bed and breakfast inns. Each dwelling unit shall have a minimum living quarters area of eight hundred fifty (850) square feet and the structure must be a minimum of forty five feet (45') wide, facing the street, and twenty feet (20') deep. The minimum rental period for a multi-family dwelling shall be thirty (30) days.

DWELLING, OVERNIGHT RENTAL: Rental of any property within residential zoning districts shall not be permitted for periods of less than thirty (30) days. Rental of dwellings within other areas is permitted or conditional as outlined in the table of uses.

DWELLING, SINGLE-FAMILY: A building or structure occupied as or designed or intended for occupancy as a residence for one family, the structure having one dwelling unit. (See also Utah Code Annotated section 57-21-2.) Each single-family dwelling (except in agriculture and multiple use zones) shall have a minimum of eight hundred (800) square feet and shall be a minimum twenty feet (20') on all sides, not including nondwelling space. The minimum rental permitted shall be thirty (30) days.

DWELLING, TWO-FAMILY: See definition of Dwelling, Multi-Family.

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

FAMILY: One or more persons occupying a dwelling unit, and living as a single housekeeping unit, as distinguished from a group occupying a "boarding house", lodging house or "hotel", as herein defined.

FARM: An area of no less than twenty (20) contiguous acres which is used for the commercial production of farm crops, such as vegetables, fruit trees, hay, grain and other crops, and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep and swine for commercial purposes. The term "farm" includes the operating of such an area for one or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided, that the operation of any such accessory uses is secondary to that of farm activities; and provided further, that the farm activities do not include commercial pen feeding or commercial feed lots, or the commercial feeding of garbage or offal to swine or other animals.

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.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GAS CORPORATION: The same meaning as defined in Utah Code Annotated section 54-2-1, as amended.

GUEST: A transient person who rents or occupies a room for sleeping purposes.

GUEST RANCH: A building or group of buildings containing two (2) or more guestrooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities, such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

GUESTHOUSE: A separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

GUESTROOM: A room which is designed for occupancy by one or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.

HOME OCCUPATION: Any occupation or profession customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof and in connection with which there are no employees, other than a member of the immediate family residing in the dwelling unit, and not mechanical equipment, except for that which is customarily used for domestic, hobby or household purposes. "Home occupation" includes the use of a dwelling unit by physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment. "Home occupation" may also include a clinic, hospital, barbershop, beauty parlor, animal hospital, advertising or public relations agency, interior decorator's office or workshop, real estate or insurance office, stockbroker's office or similar use. "Home occupation" shall include the care of not more than six (6) children, other than members of the family residing in the dwelling. Parking for a home occupation shall be limited to the following: a) one car for each twenty five feet (25') of unobstructed and unrestricted frontage of the subject property; and b) available parking on the subject property where automobiles are customarily parked.

HOTEL: A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from all guestrooms are made through an inside lobby or office.

INTERSTATE PIPELINE COMPANY: A person or entity engaged in natural gas transportation subject to the jurisdiction of the federal energy regulatory commission under the natural gas act, 15 USC section 717 et seq.

INTRASTATE PIPELINE COMPANY: A person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the federal energy regulatory commission under the natural gas act, 15 USC section 717 et seq.

JUNK: Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

JUNKYARD: The use of any lot, portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts

thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

LEGISLATIVE BODY: The Daggett County board of county commissioners.

LOT: A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right of way approved by the planning commission, or upon a right of way not less than sixteen feet (16') wide. Except for group dwellings and guesthouses, not more than one dwelling structure shall occupy any one lot.

LOT AREA: The area of a horizontal plane within the lot lines of a lot.

LOT COVERAGE: The percentage of the area of a lot which is occupied by all buildings or other covered structures.

LOT DEPTH: For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel with and at a maximum distance from the front lot line, having a length of not less than ten feet (10').

LOT LINE: Any line bounding a lot.

LOT LINE ADJUSTMENT: The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder of Daggett County, or a lot, parcel or tract of land, the deed of which has been recorded in the office of the county recorder of Daggett County.

METES AND BOUNDS: A method of describing the boundaries of land by direction (bounds) and distances (metes) from a known point of reference.

MOBILE HOME: A transportable structure in one or more sections with the plumbing, heating and electrical systems contained within the unit, which when erected on a site, may be used with or without a

permanent foundation as a family dwelling.

MOBILE HOME PARK: Any tract of land on which two (2) or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.

MOBILE HOME SPACE: A specific area of land within a mobile home park designed to accommodate one mobile home.

MOTEL: A building or group of buildings containing guestrooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. "Motel" includes motor courts, motor lodges and tourist courts, but not mobile home parks or recreational vehicle parks.

MUNICIPALITY: An incorporated city or town.

NONCOMPLYING STRUCTURE: A structure that:

- A. Legally existed before its current land use designation; and
- B. Because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions or other regulations, excluding those regulations that govern the use of land.

NONCONFORMING USE: A use of land that:

- A. Legally existed before its current land use designation;
- B. Has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
- C. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

OFFICIAL MAP: The same meaning as provided in Utah Code Annotated section 72-5-401, as amended.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency or any other legal entity.

PLANNED UNIT DEVELOPMENT: Complete development plan for an area pursuant to this title.

PLANNING COMMISSION: The county planning commission of Daggett County.

PLAT: A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Annotated section 17-27a-603 et seq., as amended.

PLAT, FINAL: A map of all or a portion of a subdivision that is presented to the Daggett County board of county commissioners for final approval.

PLAT, PRELIMINARY: A map indicating the proposed layout of the subdivision that is submitted to the Daggett County planning commission for recommendation and to the Daggett County board of county commissioners for preliminary approval.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Utah Code Annotated section 17-23-17, as amended.

RECREATIONAL VEHICLE (RV): A. A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, that is either self-propelled or pulled by another vehicle, which may legally travel upon state highways without special permits.

B. "Recreational vehicle" includes:

1. A travel trailer;
2. A camping trailer;
3. A motor home;
4. A fifth wheel trailer; and
5. A van.

RECREATIONAL VEHICLE PARK: Any parcel of land accommodating two (2) or more recreational vehicles, campers or RV units for dwelling or sleeping purposes, for which a charge is made for those accommodations.

RECREATIONAL VEHICLE SPACE: A plot of ground within a mobile home park or recreational vehicle park designed for the accommodation of one recreational vehicle, together with its accessory structures,

including carports or other off street parking areas, storage lockers, armadas, cabanas, patios, patio covers, awnings and similar appurtenances.

RESTAURANT: A place of business where a variety of food is prepared and cooked and complete meals are served to the general public for consumption on the premises, primarily in indoor dining accommodations.

SERVICE STATION: A building or use devoted to the retail sale of fuels, lubricants and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

SKETCH PLAN: A concept, informal map of the proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

SPECIAL DISTRICT: All entities established under the authority of Utah Code Annotated title 17B, local districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district or unit of the state.

STORAGE CONTAINER: Any enclosed container having one hundred twenty (120) square feet of floor space or larger. A "storage container" includes any and all enclosed storage containers, cargo containers, shipping crates, boxes, trailers or similar moveable pieces of equipment or objects.

STREET: A public right of way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement or other way.

SUBDIVISION: A. Any land that is divided, resubdivided or proposed to be divided into two (2) 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.

B. "Subdivision" includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

2. Except as provided in subsection C of this definition, divisions of land for residential and

nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

C. "Subdivision" does not include:

1. (i) A bona fide division or partition of agricultural land for agricultural purposes;

2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

a. No new lot is created; and

b. The adjustment does not violate applicable land use ordinances;

3. A recorded document, executed by the owner of record:

a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

4. A bona fide division or partition of land in a county, other than a first class county, for the purpose of siting, on one or more of the resulting separate parcels:

a. An electrical transmission line or a substation;

b. A natural gas pipeline or a regulation station; or

c. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;

5. A recorded agreement between owners of

adjoining subdivided properties adjusting their mutual boundary if:

a. No new dwelling lot or housing unit will result from the adjustment; and

b. The adjustment will not violate any applicable land use ordinance;

6. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or

7. A parcel boundary adjustment.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

TENSION MEMBRANE STRUCTURES: Structures consisting of a metal or other frame covered by an architectural membrane, or guy ropes and stakes, that are placed under high tension or carries loads primarily through tensile stresses. "Tension membrane structures" include structures known or commonly referred to as architectural membrane structures, tensioned membrane structures, stressed membrane structures, frame supported tension structures, tensioned fabric structures, and all other similar structures such as a yurt, tent or hoop garage. The definition of "tension membrane structure" does not include open air canopies, such as freestanding awnings, shade structures, shade gazebos and walkway covers.

UNINCORPORATED: The area outside of the incorporated boundaries of cities and towns. !DEFEND!