CHAPTER 2

DEFINITIONS

11-2-010 General.
11-2-020 Definitions.

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For the purposes of this Ordinance, the following terms and words and their derivations shall have the meaning as given herein. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and the plural, the singular. The word "shall" is always mandatory. Words not included herein or in the building code shall be given their usual meaning as found in the English dictionary, unless the context of the words clearly indicates a different meaning.

11-2-020 Definitions.

(1) Accessory Building or Use means. A building or use clearly incidental, customarily appropriate, and subordinate to the main use of the building or land.

(2) Accessory Living Quarters. A dwelling unit within an accessory building to a non-residential use located on the same premises with the main building or within the main building to be used solely for persons employed on the premises, not rented or otherwise used as a separate building.

(3) Adaptive Reuse. Rehabilitation or renovation of existing building(s) or structure limited to residential and/or office uses(s) other than the present use(s).

(4) Agriculture. A farming activity limited to the tilling of the soil, the raising of crops, horticulture and gardening.

(5) Alteration. Any change in the construction of, or addition to, a building which would permit an increase in capacity, or change of use.

(6) Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

(7) Amusement Park. Any place of amusement not conducted wholly within a completely enclosed building.

(8) Architectural and Integral Part Of. Means any portion of, appendage to, or part of the general building layout of a main use planned for and/or constructed within the buildable area of a lot; and which is a functional part thereof; and which may be a structural part of or a detached accessory separated from the main building by a court not less than four (4) feet in width; and which is of the same general design or style as and comparable in excellence of quality and construction to the main building.

(9) Basement House. A one story dwelling where more than 50 percent (50%) of the exterior wall surface is below the average finished surface grade.

(10) Boarding House and/or Rooming House. A dwelling having one (1) kitchen and used for the purpose of providing meals or lodging or both meals and lodging for pay or compensation of any kind for three or more persons.

(11) Buildable Area. That portion of a building lot not included within any required yard or open space upon which a main building may be located and excluding all portions thereof which may exceed the coverage limits as specified in the zone regulations.

(12) Building. Any structure having a roof supported by columns or walls, intended for or used for the shelter, housing or enclosure of any person, animal, chattel, or any property of any kind.

(13) 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 upon the lot; also includes all of the appendages to a principal building constructed as an architectural and integral part thereof.

(14) Building Lot. See "Lot, Building".

(15) Building or Structure Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or mansard roof, or to the mid point of the highest gable of a pitched, hipped, or shed roof or to a point two-thirds (2/3) the height of a Quonset, parabolic or round roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot (1,524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet (3,048 mm) above lowest grade.

(b) An elevation ten (10) feet (3,048 mm) higher than the lowest grade when the sidewalk or ground surface described in Item (a) is more than ten (10) feet (3,048 mm) above lowest grade.

Exterior walls exceeding twenty-two (22) feet in height (exclusive of roofs) shall be interrupted by stepping or terracing the building or structure. Each step shall project horizontally at least eight (8) feet and cover no less than two-thirds (2/3) the length of the wall exceeding twenty-two (22) feet in height.

(16) Business Services. Means uses which are primarily the serving of the daily needs of the business community. Examples of such uses include banks, stationary and business supply stores duplication, employment services, etc.

(17) Clinic, Dental or Medical. A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions. The clinic may include a dental or medical laboratory; but, it shall not include in-patient care or operating rooms for major surgery.

(18) Conditional Use. Uses, other than permitted uses, that may be allowed in a specific zone but requiring additional safeguards to maintain and assure the health, safety, morals and general welfare of the public and to maintain the character of the zone.

(19) Condominium. A residential structure consisting of two (2) or more units, each under individual ownership, but each subject to certain joint agreements and covenants.

(20) Conservancy Lots. A lot created as a part of an approved subdivision or other procedure used to create such a lot which has a percentage of the land which can be occupied or built upon as approved and which requires the remainder to be left in permanent open space.

(21) Conservation Design. A design of land parcels which recognizes and includes adaptation of the features promulgated in this ordinance which encourage the preservation of open space and sensitive development of lands in and around areas having land development potential.

(22) Conservation Lands. Land within development areas which is identified in the design, development and approval processes and which is designated as permanent open space and which is not constrained by environmentally Constrained or Sensitive Lands.

(23) Conservation Meadows. A part of conservation land areas which are identified as having the characteristics of meadow or pastureland significance and use.

(24) Conservation Subdivision. A recorded subdivision within Farmington City that has utilized the provisions of the City's development ordinances which include conservation land that is required to be created and reserved through the design, layout and subdivision approval process. Such subdivisions are subject to permanent conservation easements prohibiting future subdivision or development of defined conservation areas and variance to permitted uses.

(25) Constrained or Sensitive Lands. Land that has been identified as having building or residential subdivision development constraints or sensitivity based upon the existence of conditions identified generally on the Farmington City Existing Resources and Site Analysis Plan and in the Farmington City Comprehensive General Plan.

(26) Construction Services. An establishment which primarily sells services constituting the construction, remodeling, or maintenance of buildings or grounds. This definition includes general, electrical, plumbing, heating, roofing, landscaping, pest control, etc. This use also includes lumber yards.

(27) Convenience Goods. Stores or shops intended for retail sales of convenience goods or performance of convenience services. Included in this definition is grocery store, drug store, hardware store, variety store, etc.

(28) Conventional Layout. A subdivision design which generally reflects historical or past standard layouts wherein all the land is divided into lots for residential building development and which does not involve planned unit development approaches or permanent open space concepts in the design.

(29) Court. An unoccupied space on the lot, other than a required yard, designed to be partially surrounded by a building or group of buildings.

(30) Day Care Center or Nursery School. A building and premises which are used for caring for children for less than twenty-four (24) hour periods.

(30-5) Daylight plane. An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the side at a stated upward angle to the horizontal,

which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive that the height limit or the minimum yard applicable at such point on the site.

(31) Demand or Shopping Goods. Stores or shops intended for retail sales of goods or merchandise, but not including convenience foods, liquor, motor vehicles, campers, trailers, farm equipment, lumber, or heavy equipment. This definition shall include department and discount stores.

(32) Demolition. Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements, except partial demolitions.

(33) Partial Demolition. Any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure; and in the case of a Historic Resource on the Farmington Historic Landmark Register or Farmington Historic Sites List where the portion of the structure to be demolished is not readily visible from the street-and also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty five percent (25%) when the domolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

(34) Density, Gross. The number of dwelling units per acre of total land (including public streets and other public property).

(35) Density, Net (Net Dwelling Acre). Net residential land that is devoted to residential uses and accessory uses on the same lots, such as open spaces, drives and service areas, but excluding land for public streets, public parking and non-residential buildings.

(36) Dwelling. Any building or portion thereof which is designed for use for residential purposes except hotels, apartment hotels, boarding houses and/or rooming houses, tourist courts and automobile house trailers.

(37) Dwelling, Accessory. A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one (1) family. A maximum of one (1) accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. No conditional use permit issued for an accessory dwelling shall be assignable or transferrable upon sale of the lot or otherwise and the conditional use permit shall expressly state such termination of the permit upon the sale or transfer of the property. Any conditional use permit issued hereunder shall be recorded with the Davis County Recorder's Office.

(38) Dwelling, Multiple Family. A detached building containing three (3) or more dwelling units.

(39) Dwelling, Two-Family. A detached building containing two (2) dwelling units.

(40) Dwelling Unit. One (1) or more rooms connected together but structurally divided from all other rooms in the same building and constituting a separate independent housekeeping unit which may be used for permanent residential occupancy by humans, with facilities for such humans to sleep, cook, and eat.

(41) Dwelling Unit, Secondary. A second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling and which is an architectural and integral part of a single family dwelling.

(42) Dwelling, Single Family. An attached or detached building designed for the occupation exclusively by one (1) family.

(43) Family. An individual, or 2 or more persons related by blood, marriage, or adoption, or a group of not more than 5 persons who are not so related, living together as a single non-profit housekeeping unit doing their own cooking, and domestic servants for such family or group.

(44) Family Food Production or Farm Animals. The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

(45) Farming. A farm industry which includes generally all phases of farm operation--the keeping and raising of animals and/or fowl for domestic or commercial use, fur farms, livestock feed yards, pig farms, dairy farms and similar uses--and accessory uses thereto.

(46) Farm Operations. Operations carried out to support agricultural activities on a tract or parcel of land.

(47) Floor Area. The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

(48) Frontage. All the property fronting on a public street.

(49) Garbage. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles, or parts thereof; and old or scrap ferrous or nonferrous metal materials.

(50) Grade, Finished Surface. The average level of the finished surface of the ground adjacent to the foundation of a building or structure.

(51) Greenway Lands. See Conservation Lands.

(52) Hospital. An institution for human beings providing health services primarily for in-patients, and medical or surgical care of the sick or injured, and including such other services and accessory uses as normally provided for its administration and operation.

(53) Landscaping. The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plants or trees, shrubs, grass, flowers, etc. This definition shall also include the designing of, and the placement of such materials.

(54) Lot. Any parcel of land.

(55) Lot, Building. A parcel of land which is of such dimensions as to comply with the minimum requirements of this Ordinance for area and width and depth where applicable in the zone in which it is located. This parcel must also have frontage on a public street equal to at least 50 percent (50%) of its minimum required width except for flag lots which shall have a minimum of thirty (30) feet of frontage on a public street. Frontage used to meet these requirements shall not include any part of a temporary end or dead end of a street.

(56) Lot, Corner. A building lot situated within a corner created by the intersecting lines of a street or streets.

(57) Lot Coverage. The total horizontal area of a lot covered by any building or structure including any covered automobile parking area (not including walks, patios, etc.)

(58) Lot, Double-frontage. Any building lot the centerline of which intersects two (2) front lot lines and which has no rear lot lines.

(59) Lot, Flag. A lot in the shape of a flag, with the staff portion having frontage on a public street with less than the minimum lot width as defined in the zone in which the lot is located.

(60) Lot, Inside. Any building lot other than a corner lot. Any building lot situated at the intersection of two (2) street lines where a corner is not clearly distinguishable, the street being constructed on a long radius curve, shall be classified as an outside lot.

(61) Lot Lines. The property lines bounding a lot. For purposes of establishing yard spaces all right-of-way lines for streets shall be considered the lot lines of abutting property.

(62) Lot Width. The width of a lot is the distance of a straight line for inside lots from side lot line to side lot line, or for corner lots from side lot line to the other front lot line that is not used to designate the front of the lot, tangent to the required minimum front set back line, which is parallel to the frontage of the lot, at a point and angle 90° to the centerline of the lot. (See Appendix I)

(63) Master Plan (Comprehensive Plan). The officially adopted document by the Farmington City Council that sets forth the policies for the future development of the City of Farmington.

(64) Mobile Home. A vehicle with or without motive power designed for or used for human habitation; also a trailer coach.

(65) Native Vegetation (or material). Land areas, parcels, tracts or lots containing native plant materials which are indigenous based upon climate, soils, topography, wildlife habitat or other native conditions.

(66) Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the City Council or as shown on the Master Drainage Plan when adopted.

(67) Nonconforming Building Lot. A parcel of land of record with frontage on a public street, that was held in separate ownership from adjacent property on the effective date of this Ordinance, the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Adjacent property in the same ownership but described under separate deeds shall be deemed to be one property for the purpose of this Ordinance.

(68) Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all the height, area and yard regulations prescribed in the zone in which it is located.

(69) Nonconforming Use. A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

(70) Offices, Business and Professional. A building, room, or department wherein a business or service for others is transacted but not including storage or sale of merchandise on the premises. Examples of such uses are Accountant, Architect, Medical and Dental, etc.

(71) Parking Lot. An open area, other than a street, used for the temporary parking of more than automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

(72) Parking Space. A space within a building, lot or parking lot for the temporary parking or storage of one (1) vehicle. For the purposes of this Ordinance, the area and size of a parking space to fill this requirement shall be a minimum of nine (9) feet wide and twenty (20) feet in length, and adequate ingress and egress drives provided to each space.

(73) Personal Services. Uses which are primarily the serving of the daily convenience needs of individuals. Examples of such uses are bakeries, drug stores, newspaper and magazine stores, gift shops, banks, beauty and barber services, laundry and dry cleaning, etc.

(74) Permitted Use. Uses allowed as a matter of right and listed as permitted uses in the various zone specifications.

(75) Planned Dwelling Group. A group of two (2) or more detached buildings located on one (1) building lot arranged in a harmonious and spacious configuration.

(76) Plot Plan. A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.

(77) Primary Conservation Areas. Conservation land areas which must be included in any conservancy subdivision design or layout or site plan and which consists of primary constrained land inherently unfit for development including all areas designated in the Farmington City Resource and Site Analysis Plan.

(78) Productive Soils. Soils within agricultural and other zones of the city where various farming activities may or can take place including pasture use, hay operations, fruit growing and agriculture related activities.

(79) Public Use. A use or facility owned or operated exclusively by a public entity, having the purpose of serving the public health, safety, or general welfare. These include such uses as library, parks, community buildings, schools, fire station, police station (with jail), etc.

(80) Public Utility. A structure or facility used by a public agency to store, distribute, or chemically treat water, power, gas, sewer, equipment, or other services.

(81) Quasi-Public Use. A use or facility owned or operated exclusively by a private non-profit religious, recreational, charitable, or philanthropic institution. Such use shall have the purpose of serving the general public, and would include such uses as a church, hospital, civic or social club, museum, etc.

(82) Recreational Pool. A structure of concrete, masonry or other materials used for bathing, swimming and other aquatic activities. These include such uses as swimming pools, strip pools, prefabricated pools, hot tubs, spas and jacuzzi.

(83) Resource and Site Analysis Plan. The Farmington City Existing Resources and Site Analysis adopted by the City as part of the Comprehensive General Plan and which contains areas indicated as having future trailways, greenway systems, wetlands, flood plains, wildlife habitats, native vegetation areas, sensitive topographic conditions or other development constraints which must be recognized in the site plan approval and subdivision development processes of the City.

(84) Secondary Conservation Areas. Land areas which must be shown in any conservancy subdivision design or layout consisting of property which may ordinarily be overlooked or ignored during conventional design and development processes such as orchards, pastures, native tree groups and similar features which may become an integral part of a conservancy subdivision.

(85) Setback. The shortest horizontal distance between any point along the side of a building and either (1) the nearest point of a property line or lot line, measured at right angles to the property or lot line, or (2) for a concave curve of the property to be measured, the point of the curve nearest any point on the side of the building, or (3) for a convex curve of the property, the point nearest the building and on a straight line extending from the points of the curve nearest the rear property or lot line. The mode of measuring a setback for which no provision is made in this subsection may reasonably be determined by the Planning and Zoning Administrator. For purposes of measuring setback, rounded corners shall be treated as if square.

(86) Silviculture. The art of cultivating a forest or woodlands.

(87) Small Auto Dealership. An auto dealership licensed by the State of Utah displaying for sale no more than three (3) cars at any one time.

(88) Street, Private. A thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations and used or held for use primarily as a means of access to adjoining properties.

(89) Street, Public. An open way, space and/or thoroughfare fifty (50) feet or more in width provided or dedicated and/or accepted by Farmington City, Davis County, or the State of Utah, for public use, designated primarily for vehicular travel.

(90) Structure. That which is framed, erected, constructed, or placed upon the ground; but not including fences which are eight (8) feet or less in height.

(91) Structural Alteration. See "Alteration, Structural".

(92) Subdivision Yield Plan. A preliminary conceptual design with conventional lot and street layout where all the land ordinarily permitted in a conventional layout if allocated to house lots and to streets, and where all lots must contain buildable unconstrained land as required in the zoning district where the property it located.

(93) Tract. Any parcel of land. See lot definition in this ordinance.

(94) Trailer Coach. A mobile home designed and equipped for temporary and semi-permanent occupancy by humans.

(95) Trailer Park or Court. Any premises where one or more trailer coaches or mobile homes are parked for living and sleeping purposes, or any premises set apart for the purpose of supplying to the public parking space for such mobile homes for living and sleeping purposes;

also includes any buildings, structures, vehicles or enclosures used or intended for use as a part of the equipment of such trailer park, court or camp.

(96) Unconstrained Land. Land that is substantially free of building or residential development constraints such as wetlands and soils classified as very poorly drained, utility easements or high-tension electrical transmission lines (<69KV), steep slopes of greater than 30 percent (30%), flood ways and flood plains within 100-year flood plains, areas identified as part of the city's major streets or trail systems and waterways, channels and attendant corridors.

(97) Use, Accessory. See "Accessory Use".

(98) Yard. An open space on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

(99) Yard, Front. Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. On lots that are other than rectangular in shape, the front setback may be an average of the distance measured from the front corners of a dwelling to the nearest point of the front lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

(100) Yard, Rear. A yard between the rear lot line and the rear setback line of a main building and for inside lots extending between side lot lines, or for corner lots extending between the side lot line and the side yard corner lying opposite thereto, parallel to rear lot line. On lots that are other than rectangular in shape, the rear setback may be an average of the distance 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.

(101) Yard, Required Front. Any yard between the front lot line and the minimum front setback distance required in a particular zone extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. On lots that are other than rectangular in shape, the required minimum front setback may be an average of the distance measured from the front corners of a dwelling to the nearest point of the front lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

(102) Yard, Required Rear. A yard between the rear lot line and the minimum rear setback distance required in a particular zone for inside lots extending between side lot lines, and for corner lots extending between the side lot line and the side yard corner lying opposite thereto, parallel to the rear lot line. On lots that are other than rectangular in shape, the required minimum rear setback may be an average of the distance 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.

(103) Yard, Side. Any yard between the side lot line and the side setback of a main building, extending from the front yard to the rear yard.

(104) Yard, Required Side. Any yard between the side lot line and the minimum side setback distance required in a particular zone, extending from the front yard to the rear yard.

(105) Yard, Side Corner. Any yard between the other front lot line that is not used to designate the front of the main building and the setback of a main building and extending between the rear lot line and the front setback parallel to the street.

(106) Yard, Required Side Corner. Any yard between the other front lot line that is not used to designate the front of the main building and the minimum side corner setback of a main building required in a particular zone extending between the rear lot line and the front yard parallel to the street.

(107) Zone. A portion of the incorporated territory of Farmington City which has been given a zone designation which provides for certain yards and open spaces and certain height and other limitations for buildings and which provides for certain uses. May also be referred to as a district.

11-2-214 and 11-2-237 Amended, 3/02/94, Ord. 94-12
Chapter 2 Amended, 4/17/96, Ord. 96-17
Chapter 2 Amended, 4/21/99, Ord. 99-21
11-2-020(14) Amended, 4/19/00, Ord. 2000-15
11-2-020(34) Amended, 1/24/02, Ord. 2002-14
Amended, Definitions-(36), (38) & (39) 12/4/02, Ord. 2002-48
11-2-020(83) Enacted, 8/6/03, Ord. 2003-31
Amended/Enacted (29.5), (99), (99-5) (100), (100-5) Ord. 2007-18, 3/6/07
Amended 3/18/08,Ordinance 2008-19
Amended 09/20/11, Ordinance 2011-18
Amended 04/16/13, Ordinance 2013-08