

MILLVILLE CITY CODE

TITLE 17 - ZONING

CHAPTER 17.08 - DEFINITIONS

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17.08.010: GENERAL PURPOSE

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When consistent 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. "Shall" is always mandatory. Words not included herein, but which are defined in the building code, shall be construed as defined therein.

Pronouns of masculine or feminine gender shall be used interchangeably, in their generic sense, without connoting or denoting the actual sexuality of either group, and are not used or intended to convey gender identification. (Ord. 99-02-18-01 § 2)

17.08.020: DEFINITION OF TERMS

As used in this title:

ACCESSORY BUILDING: A detached subordinate building which is clearly incidental to and located upon the same lot occupied by the main building.

AGRICULTURE: A farming activity limited to the tilling of soil, the raising of crops, horticulture, and gardening, the accessory uses of which shall not be construed as to permit any commercial activity or raising of animals or fowl.

ALTERED: Any change in the construction of, or addition to, a building which would permit an increase in capacity or a change of use.

ALTERED, STRUCTURALLY: "Structurally altered" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

BASEMENT: A story partly underground. The basement shall be counted as a story for purposes of height measurement if its height is one-half ($\frac{1}{2}$) or more above ground.

BED AND BREAKFAST: A facility offering overnight accommodations for hire, and offering meals for only those overnight guests.

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. Buildable areas shall be defined on subdivision plats and must be located in an area of twenty percent (20%) slope or less.

BUILDING: Any structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind.

BUILDING HEIGHT: The vertical distance measured from the highest point of the building roof to the main entrance threshold.

BUILDING INSPECTOR: The person or agency duly authorized to enforce, inspect, review, and approve construction within the city in accordance with this title.

BUILDING, MAIN: "Main building" means the principal building upon a lot, or the building housing the principal use upon the lot.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage, whether attached or detached.

CHILDCARE CENTER: A childcare facility which regularly provides custodial care for seven (7) or more children during the part of any day. Custodial care for any child shall not exceed twelve (12) hours per day. Such centers shall be licensed by the state of Utah and provide at least thirty five (35) square feet of interior floor area and at least one hundred (100) square feet of outdoor play area for each child.

CITY PLANNER: The person(s) duly appointed to administer this title.

CONDITIONAL USE: A use not ordinarily permitted in a zoning district which may be permitted only through the application and maintenance of qualifying circumstances, as provided in this title.

DRIP LINE: Vertical line from the edge of the roof to the ground.

DUPLEX: A building designed to be occupied as a two-family dwelling. Both dwelling units having a common wall, separate entrances, separate parking areas, and meeting all setback requirements, and meeting the definition of a "dwelling".

DWELLING: Any building or portion thereof which is designed for use for residential purposes except hotels, apartment hotels, boarding houses, rooming houses, and motels. Mobile homes, campers, trailers, and recreational vehicles, shall not qualify as a dwelling. All dwellings shall be a minimum dimension of twenty feet (20') (measured wide or deep), shall be set on a concrete foundation, and shall consist of a minimum ground floor area of nine hundred sixty (960) square feet, exclusive of open porches, garages, and carports.

DWELLING GROUP: A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard in common.

DWELLING, MULTIPLE-FAMILY: "Multiple-family dwelling" means a building arranged or designed to be occupied by more than two (2) families, each dwelling meeting the definition of a "dwelling".

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a building designed for and occupied exclusively by one family on a separate lot, and having only one dwelling unit, that meets the definition of a "dwelling".

FEMA: Is an acronym for the federal emergency management agency.

FLOODPLAIN: Any land area subject to being inundated by water from any source. Floodplain areas are generally defined on the flood insurance relief map (FIRM) provided by FEMA.

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.

FRONTAGE, MINIMUM: Every building lot must have frontage on a public highway, street, public right-of-way or private lane.

FRONTAGE: The distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot. State or federal highways, to which no access is allowed, shall not be considered as frontage. ~~All property fronting on a public street; the length of the lot line adjacent to a public street.~~

GARAGE, PRIVATE: "Private garage" means an attached or detached accessory building used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this title applicable to main buildings.

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

GRADE, EXISTING: "Existing grade" means the average level of the ground prior to any grading of the site. The average is to be measured at the front setback line(s) of a building or structure.

GRADE, FINISHED: "Finished grade" means the average level of the finished surface at the ground adjacent to the front setback line of a building or structure; and, on a corner lot, the average level of the ground adjacent to and measured along all front setback lines of the building. Where a lot has no frontage on a public street, the average level for the finished ground surface adjacent to and measured along all exterior walls shall be the finished grade.

HARD SURFACE: An impermeable, dust free surfacing such as concrete or asphalt.

HOUSEHOLD PETS: Animals and fowl which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants, but not raised or kept for commercial purposes or for food.

KENNEL: Four (4) to six (6) dogs, over the age of three (3) months.

LANDSCAPING: The installation of living plant materials (i.e., lawn, ground cover, annual and perennial flowering plants, vines, shrubs, and trees) planted directly on the property. Use of water (i.e., pools, fountains, falls and streams) and sculptures are also included as landscape design materials. Decorative paving materials (i.e., bricks, pavers, flagstones, textured concrete) may be included, provided that they result in attractive, open space, add color or texture to the design, and create visual interest. Landscaping rocks, gravel, or wood chips may be used.

LEGAL NONCONFORMING LOT: Any land parcel that existed, as recorded in the office of the Cache County recorder, with a separate property identification number as provided by the office of the Cache County recorder and office of the Cache County assessor that were legally created for the purposes of development pursuant to the subdivision requirements of the city of Millville and/or the laws of Cache County and/or the state of Utah at that time. This does not include those parcels that were illegally created only for the purposes of transfer of ownership or for agricultural purposes.

LICENSING OFFICER: A person designated by the governing body to issue licenses.

LOT: A parcel, place, tract, or portion of land designated by metes and bounds, registered land survey, recorder's plat, or other means and separated from other parcels or portions by such description for the purpose of sale, lease, or separation thereof.

LOT, CORNER: "Corner lot" means a lot located at the intersection of two (2) streets and having two (2) adjacent sides abutting streets.

LOT CORNER MONUMENTS: Eighteen (18) to twenty four inch (24") by five-eighths inch ($\frac{5}{8}$ ") rebar (#5 rebar) with surveyor's official cap.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot except that where any portion of a lot extends into the right of way or a proposed public right of way, the line of such right of way shall be the lot line.

LOT, THROUGH: "Through lot" means any lot other than a corner lot which abuts more than one street.

LOT WIDTH: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

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 city master drainage plan, when adopted, in which areas no buildings shall be constructed.

OPEN SPACE: An open, landscaped area which is unoccupied and unobstructed by buildings or hard surfaces such as concrete or asphalt, except that such open space may be traversed by necessary sidewalks and access rights of way.

PARKING LOT: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE: The space within a building, lot, or parking lot for the temporary parking or storage of one vehicle.

PERSONAL SERVICES: Establishments primarily involved in providing personal grooming and related services. This definition shall include barber shops, beauty parlors, tailors, etc., but not laundries or dry cleaners.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building(s) and building(s) to be erected, and showing the location of the lot and abutting streets.

PRIVATE ROAD OR PRIVATE LANE: A thoroughfare held in private ownership and controlled and maintained by one or more persons, firms, or corporations, and used or held for use primarily as a means of access to adjoining properties.

RESIDENTIAL DENSITY: The average number of dwelling units on one acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities into the total number of dwelling units in such area.

SETBACK: The shortest horizontal distance permitted in each zone between the boundary lines of a lot and the building structure, or part thereof.

SLOPE: A percent measurement representing the change in elevation of the land.

SLOPE CLASS: The city of Millville has made five (5) slope classifications.

Class 1 references slopes less than or equal to twenty percent (20%).

Class 2 references slopes greater than twenty percent (20%) and less than or equal to twenty three percent (23%).

Class 3 references slopes greater than twenty three percent (23%) and less than or equal to twenty seven percent (27%).

Class 4 references slopes greater than twenty seven percent (27%) and less than or equal to thirty percent (30%).

Class 5 references slopes greater than thirty percent (30%).

STREET, PUBLIC: "Public street" means any street which has been dedicated to the city, is otherwise publicly owned by the city, and is improved and constructed to the appropriate standards as required by title 16 of this code.

STRUCTURE: That which is framed, erected, constructed, or placed upon the ground; but not including fences which are six feet (6') or less in height.

UCA: Means and refers to the Utah Code Annotated.

UPDES: The Utah pollution discharge elimination system.

YARD: A space on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT: "Front yard" means any yard between the front lot line and the front corner points of the dwelling and extending for the full width of the lot for inside lots and for the full width and depth of corner lots.

YARD, REAR: "Rear yard" means a yard between the rear lot line and the rear corner points of the dwelling, extending across the full width of inside lots, and for corner lots a yard between the rear lot line extending between the side lot line and the front yard lying opposite thereto.

YARD, SIDE: "Side yard" means any yard extending from the front yard to the rear yard. (Ord. 2023-5, 2023: Ord. 2012-2, 2012: Ord. 2008-3, 2008: Ord. 2004-4, 2004: Ord. 2002-5 § 1, 2002: Ord. 2002-2 § 3, 2002: Ord. 2000-16 §§ 1, 2: Ord. 99-02-18-01 § 2)