

SECTION 9

DEFINITIONS

9.1 INTENT

For the purposes of this Code, certain words and terms are defined as follows:

Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word lot includes the word tract or parcel of land; the term erected means constructed, altered, moved, or repaired; the words shall and must are always mandatory. The term district is synonymous with the term Zone. The term ordinance is synonymous with the term Code. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine.

9.2 LIST OF DEFINITIONS

Animal Unit – One animal unit shall be any of the following:

2 cows, horses, donkeys or similar large animals; or 8 adult sheep; or 16 feeder lambs, or 8 goats, or 2 pigs, 12 chickens, ducks, game birds and fowl; or an equivalent combination of the above, together with the suckling offspring thereof.

Bed and Breakfast – See Lodging House.

Buildable Area – A portion of a site which conforms to all minimum criteria such as slope, building setbacks, distance from watercourses, springs or wastewater systems, required for placement of a structure.

Building – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

- A. Building Accessory – A detached, subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or the main use of the land, and which is located on the same lot or parcel of land with the main building or use.
- 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 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.

Carport – A structure not completely enclosed by walls for the shelter of automobiles, recreational and personal vehicles.

Common Area – An area designated to serve two (2) or more dwelling units in separate ownership with convenient access to the area.

Exploratory Well – A well drilled for the purpose of determining the occurrence and extent of a mineral deposit, together with the appurtenant on-site equipment and facilities necessary for the drilling of said well.

Family – An individual or 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 non-related persons living with the residing family as per this Code. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club, or institutional group.

Fence, Lawful – A fence constructed to keep domestic livestock out of an area, parcel or lot. Such fence shall be constructed of sufficient height and strength to keep said livestock from trespassing on the area, parcel, or lot being fenced. No low drag or trip style fence that could injure livestock shall be permitted.

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 the ground.

Flood – 100 Year – A flood, the magnitude of which will probably occur only once in 100 years.

Flood Channel – A natural or artificial water course with definite bed and banks to confine and conduct flood water.

Floor Area – The sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses of headroom height (7 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.

Grade of Building (Adjacent Ground Elevation) – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and a line five (5) feet from the building.

Grade of Streets and Driveways – Grade shall mean the ratio of vertical distance along such a street or driveway expressed in either percentage or degree.

Health, Board of – The Health Department, Board of County Commissioners, or any representative authorized by the Board of County Commissioners to represent them in matters relating to health and sanitation.

Height of Building – The vertical distance from the grade to the square of the building.

Home Occupation – Any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

Household Pets – Animals or fowl customarily permitted within the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel.

Junk Yard – Salvage Yard – A place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

Kennel – The use of land or buildings in the keeping of three (3) or more dogs at least four (4) months old, in compliance with this Code and the County Animal Control Ordinance.

Large Scale Industrial Project – All land and structures occupied by a manufacturing, processing, fabrication or similar industrial activity which requires a site area of more than five (5) acres and/or which, because of the nature of the activity, emits fumes, smoke, noise, vibration, dust, glare or odor in amount which are discernable beyond the limits of the site.

Landscaping – Landscaping shall mean the use and integration of a combination of planted trees, shrubs, vines, groundcovers, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically 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 definition.

Livestock Management Area - All portions of a lot used as sheds, barns, coops, pens, corrals, pastures, gardens or cultivated ground but not including the area of a lot devoted to the dwelling, sidewalks, driveways, or lawn.

Lodging House – any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

Lot – (1) An independently described parcel of land as shown on the records of the County recorder, or (2) Two (2) or more contiguous parcels within a recorded subdivision each of which qualify under 1 above and for which a Declaration of Zoning Lot has been approved and filed in the Office of the County Recorder.

Lot – Corner – A lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.

Lot – Interior – A lot other than a corner lot.

Lot – Line, Front – The front boundary line of a lot bordering on the street.

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 goreshaped 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.

Lot – Line, Side – Any lot boundary line not a front lot line or a rear lot line.

Major Underground and Surface Development – Those activities conducted on the surface of the land for the development or extraction of a mineral deposit from its natural occurrences, including but not limited to effects of surface and underground mining, such as on-site transportation, primary processing, and storage, including:

- A. Gravel, sand and clay pits disturbing a surface area in excess of one (1) acre.
- B. Coal mines disturbing a surface area in excess of three (3) acres.
- C. Uranium mines disturbing a surface area in excess of one (1) acre.
- D. Other mining operations disturbing a surface area in excess of one (1) acre or from which five hundred (500) tons or material or more are mined over a period of twelve (12) consecutive months.

Major Utility Transmission and Railroad Project – A construction project involving the installation of one or more of the following:

- A. Electric power transmission lines rated at 45 KV capacity or more; together with the appurtenant substations and similar ancillary facilities.
- B. Gas and oil transmission lines designated at 10 second feet capacity or more, together with the appurtenant pump stations and similar ancillary facilities.
- C. Water transmission facilities designed at 10 second feet capacity or more, together with the appurtenant pump stations and similar ancillary facilities.
- D. Conveyor belts and related facilities.
- E. Railroad tracks.

Manufactured Home – A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code).

Manufactured Home Park – An area or tract of land used to accommodate two (2) or more manufactured homes, park models or other factory built housing.

Map – The Zone Map of Carbon County, Utah.

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, access, resources, circulation, housing, and public facilities and grounds.

Minor Mine and Pit – (1) A mine, pit quarry or similar excavation for the extraction of mineral products which is developed and/or operated at levels less than that established for qualifications as a major underground or surface mine development, or (2) the enlargement of an existing mine or pit operation in an amount less than that qualifying as a significant expansion of surface facilities.

Minor Utility Transmission Projects – A project involving the construction of utility transmission and distribution and facilities for cable TV, telephone, microwave and for electric power and gas and oil and water at levels less than those established for major transmission projects.

Modular Unit – A structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Section 58-56-4, UCA.

Nonconforming – A building or structure, or portion thereof, or use of a building or land existing at the time of the passage of this Code, which does not conform to the zoning regulations as set forth herein, but which legally existed prior to the effective date of the now controlling provision.

Nonconforming Lot of Record - A parcel of land which does not conform to the minimum area and/or width requirements for the zone in which it is located, but which was legally created and was shown on the records of the County Recorder as a conforming lot of record prior to the effective date of the now controlling provisions. Substandard lots in illegal subdivisions shall not be considered as nonconforming lots of record.

Offstreet Parking – An area adjoining a building providing for the parking of automobiles which does not include a public street, but has convenient access to it.

Planned Mountain Home Development – A subdivision in which the roads, travel easements, water lines, and open spaces are not dedicated to the public, but are retained as private facilities.

Premise Occupation – An occupation consisting of the fabrication of a product or providing of a service, which is conducted on a residential lot, in a building other than the residence, except for services such as beauty shops and child care, which may be conducted in the home.

Primitive Cabin – A cabin constructed to the requirements of the Building Codes which may or may not contain a traditional electrical, mechanical or plumbing system. Primitive cabins may be served by a spring, well or individual culinary water cistern. Sanitary waste disposal may be accomplished by vault toilet, septic system, mound or sand filter system, composting or incinerating toilet approved by the Health Department. All primitive cabins shall comply with the Electrical Code for the type of power system connected, whether served from a public power supply, generator, wind power or solar photovoltaic or other alternate power source. The heating system must be capable of maintaining a temperature of 68 degrees Fahrenheit at 3 feet above the floor when the cabin is occupied. Any fuel gas systems shall comply with the Mechanical Code. Each such cabin shall have at least one habitable room with not less than 120 gross square feet. Other habitable rooms shall be a minimum of 70 gross square feet. The kitchen shall be a minimum of 50 gross square feet and no habitable room shall have a horizontal dimension of less than 7 feet. Cabins shall meet the minimum square footage for the zone in which they are located.

Private Camp – the use of private property by the owners of the property, their immediate family, and invited guests, for the purpose of recreation, pleasure, hunting, agricultural and silvicultural activities, either in tents, travel trailers, recreational vehicles or on the ground, for a period of not more than fourteen (14) consecutive days at one location. Owners of travel trailers or RVs used for this purpose shall dispose of sewage at an approved location.

Production Well – A well drilled for the purpose of recovering a mineral deposit from its natural occurrences together with appurtenant on-site equipment and facilities necessary for the drilling and operation of said well.

Public Agency Park – A tract of land which is owned by a governmental agency and which has been partially or totally developed or designated for recreation or open space purposes.

Recreation Vehicle Court – An area or tract of land used to accommodate two or more recreation vehicles or camper units.

Road – County - A County road as shown on the County Road System Map of Carbon County, Utah. Any of the various class of road recognized by the State of Utah, such as Class B and D, or a designated Federal or State Highway. The terms right-of-way, road, trail, street and highway shall be interchangeable.

Setback – The shortest distance between the property line and the exterior wall of the building.

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 regulations relating to signs:

1. Flags or insignia of any government except when displayed in connection with a commercial promotion.

2. Legal notices, and signs used for regulation, identification and informational purposes erected by a governmental body.
3. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Sign, Accessory – A sign which directs attention to a business or professions conducted on the premises.

Sign, Non-Accessory – Bill Board – A sign which directs attention to a business, commodity, service or entertainment which is conducted, sold or offered at a location other than the premises.

Structure – Anything constructed or erected to the requirements of the Building Codes to house electrical, gas and oil production or transmission facilities, or to house agricultural products, animals and activities. Structures also include anything constructed or erected to house or protect recreational or other legal activities.

Subdivision – Any land that is divided, resubdivided 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.

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.

Subdivision does not include:

- A. A bona fide division or partition of agricultural land for agricultural purposes;
- B. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 1. No new lot is created,
 2. The adjustment does not result in a violation of applicable zoning ordinances;
- C. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property;
- D. A bona fide division or partition of land in the County for the purpose of siting on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
- E. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision.

Twin Home – A two family dwelling in which the units are connected at a common wall along a common property line and in which each of the units and their attendant lot area intended for conveyance as separate dwelling units.

Twin Home Project – (1) An undeveloped lot upon which a Twin Home is proposed to be constructed or (2) An existing two-family dwelling which is being proposed for conversion to Twin Home status.

Yard – Any space on a lot other than a court, which is open and unobstructed from the ground to the sky.

Yard, Front – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the main building and the front of the lot.

Zoning Lot – A parcel of land which complies with the existing area, width, access and other applicable requirements for conforming lots within the zone in which it is located, or is shown as a separate lot in a subdivision or large scale development which has been approved in accordance with this Code.