HONEYVILLE CITY PLANNING COMMISSION
MEETING NOTICE & AGENDA

Notice is hereby given that the **Regular Meeting** of the **Honeyville City Planning Commission** will be held on **Wednesday November 19, 2025,** at 7:00 p.m., in the Honeyville City Hall, 2635 West 6980 North, Honeyville, UT 84314. Interested citizens are invited to attend.

Call to Order – Laurie Hunsaker

Invocation & Pledge of Allegiance – Laurie Hunsaker

Conflict of Interest, if any:

Public Comment Period: Comments will be listened to with no action taken. Items needing action will be placed on next month's agenda by request. Individuals will be given 5 minutes to comment.

Public Hearing – Proposal of Agriculture Protection Area - Hunsaker:

A. Open Public Hearing:
B. Close Public Hearing:
C. Action Item: Motion to Recommend Approval of Proposal of Agriculture Protection Area - Hunsaker

Public Hearing – Proposal of Text Amendment to Title 10:

A. Open Public Hearing:
B. Close Public Hearing:
C. Action Item: Motion to Recommend Approval of Proposal of Text Amendment to Title 10

Public Hearing – Proposal of Text Amendment to Title 11:

A. Open Public Hearing:
B. Close Public Hearing:
C. Action Item: Motion to Recommend Approval of Proposal of Text Amendment to Title 11

City Council Meeting Report – Chair Laurie Hunsaker:

A. Report:

Zoning Administrator Report/DRC – Kenny Funk:

A. Zoning Admin Report/DRC:

Discussion Items:

A. Discharge of Firearm Ordinance
B. Billboards
C. Fence Ordinance/Application – Anna & Kelli

Action Items:

A. Approval of Minute: 10/22/25

Agenda Items for Next Month

ADJOURNMENT

Posted on honeyvillecity.org, Utah Public Notice Website, at City Hall and at the Honeyville City Post Office: 11/17/25

The Minutes of
Honeyville City Planning Commission
November 19, 2025, Regular Meeting

Laurie Hunsaker called the meeting to order at 7:01 p.m.

Present were Chair Laurie Hunsaker. Commission Members Staci Zilles-Nelson, Bob Kosbab, Kelli Shaw and Jacob Jaques. Anna Dammer was excused from this meeting.

Employees present: Brittiny Chlarson, Clerk/Recorder
Wendy Lindauer, Deputy Clerk
Kenny Funk, Zoning Administrator

There were approximately 6 members of the public present.

Laurie Hunsaker offered the Invocation and led the group in the Pledge of Allegiance.

Conflict of Interest, if any: None noted.

Public Comment Period:

Harold Wise: Who lives on 5800 N. stated concerns with people shooting in the gravel pit near his home. He says it is very unsafe and wanted to know if the city has any ordinances in place.

Public Hearing – Proposal of Agriculture Protection Area – Hunsaker

A. **Open Public Hearing:** Opened at 7:05 p.m.

JACOB JAQUES motioned to Open the Public Hearing for the Proposal of Agriculture Protection Area – Hunsaker at 7:05 p.m. STACI ZILLES-NELSON seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Carolyn Eddy asked questions regarding her land but did not express any issue with the proposed APA application.

B. **Close Public Hearing:** Closed at 7:12 p.m.

JACOB JAQUES motioned to Close the Public Hearing for the Proposal of Agriculture Protection Area – Hunsaker at 7:12 p.m. KELLI SHAW seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

C. **Action Item: Motion to Recommend Approval of Proposal of Agricultural Protection Area – Hunsaker:**

STACI ZILLES-NELSON motioned to Recommend Approval of Proposal of Agricultural Protection Area – Hunsaker. JACOB JAQUES seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Public Hearing – Proposal of Text Amendment to Title 10:

A. **Open Public Hearing:** Opened at 7:13 p.m.

BOB KOSBAB motioned to Open the Public Hearing for Proposal of Text Amendment to Title 10 at 7:13 p.m. JACOB JAQUES seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Kenny Funk Honeyville City's zoning administrator explained that a committee has been going through Title 10 and making the required changes. **David Hougaard** stated that most of the changes are due to State requirements.

B. **Close Public Hearing:** Closed at 7:15 p.m.

JACOB JAQUES motioned to Close the Public Hearing for Proposal of Text Amendment to Title 10 at 7:15 p.m. KELLI SHAW seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

C. **Action Item: Motion to Recommend Approval of Proposed Text Amendments to Title 10:**

JACOB JAQUES motioned to Recommend Approval of the Proposed Text Amendments to Title 10 as presented. BOB KOSBAB seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Public Hearing – Proposal of Text Amendment to Title 11:

A. **Open Public Hearing:** Opened at 7:16 p.m.

STACI ZILLES-NELSON motioned to Open the Public Hearing for Proposal of Text Amendment to Title 11 at 7:16 p.m. KELLI SHAW seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Kenny Funk explained that this amendment was to change the DRC committee.

B. **Close Public Hearing:** Closed at 7:18 p.m.

STACI ZILLES-NELSON motioned to Close the Public Hearing for Proposal of Text Amendment to Title 11 at 7:18 p.m. JACOB JAQUES seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

C. **Action Item: Motion to Recommend Approval of Proposed Text Amendments to Title 11:**

KELLI SHAW motioned to Recommend Approval of the Proposed Text Amendments to Title 11 as presented. JACOB JAQUES seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

City Council Meeting Report – Chair Laurie Hunsaker:

A. **Report: Laurie H**
   - **Election:** Codey Illum has been elected as the new City Council member.
   - **APA Ordinance:** This Ordinance was passed by the City Council.
   - **Attorney:** Colt Mund has resigned as Honeyville City's attorney to take on his new duties as Willards Judge. Interviews for a new attorney have been scheduled.
   - **City Council December Meeting:** Decembers meeting has been moved from the 10th to the 3rd.

Zoning Administrator/DRC Report – Kenny Funk:

A. **DRC: Kenny F**
   - **Shannon Boundary Adjustment:** This request has several issues including no frontage.
   - **Boundary Adjustment:** An adjustment was presented for a subdivision on Highway 38.
   - **Billboards:** A request has been made for a billboard, but the code is very vague.

DISCUSSION ITEMS:

A. **Discharge of Firearm Ordinance: Laurie H** presented a draft Ordinance regarding shooting within city limits. In this draft she referenced Utah state code. There had been discussion about allowing the discharge of firearms in agricultural zones, however it appears this would not work in the A-5A zone. **Bob K** mentioned that the presented ordinance addresses hunting, but not recreational shooting. There was further discussion about distance away from residents' homes. **David H** suggested removing the section that only addresses hunting. **Kenny F** suggested stating what is required for those shooting on property that is not owned by them.

B. **Billboards:** The code for billboards is very vague. Kelli S volunteered to research other city's codes to see what they have on record.
C. **Fence Ordinance & Permit** – It was decided to table this item until next month.

ACTION ITEMS:

A. **Approval of Minutes: 10/22/25**

JACOB JAQUES motioned to approve the Minutes of 10/22/25 as presented. KELLI SHAW seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Agenda Items for Next Month:

- Discharge of Firearms (Discussion)
- Fence Ordinance & Permit (Discussion)
- Billboards (Discussion)
- Chair & Vice Chair (Action Item)
- 2026 Schedule (Action Item)

KELLI SHAW motioned to adjourn at 7:55 p.m. JACOB JAQUES seconded the motion. MOTION CARRIED with Staci Zilles-Nelson for, Bob Kosbab for, Kelli Shaw for and Jacob Jaques for.

Meeting Adjourned at 7:55 p.m.

The foregoing minutes were taken and typed by Brittiny Chlarson.

I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST: CITY OF HONEYVILLE CORPORATE Seal INCORPORATED JULY 8, 1911 BOX ELDER COUNTY, UTAH

DATE APPROVED: 12-11-25

Brittiny Chlarson – Clerk/Recorder

Laurie Hunsaker - Chair

PLANNING COMMISSION

PUBLIC HEARING DOCKET

DATE: 11/19/25

PUBLIC HEARINGS HELD FOR:
Hunsaker Ag Protection Application
Title 10 & 11 Text Amendments

The following were present for the above hearing:

Name – Pease Print	Address	Phone
Thomas & Carolyn Eddy	2990 W 6900 N	801 391 1419
Jared Profaizer	2670 W 6900 N	801-390-7539
Jamie Cook	5240 N Hwy 38	435-452-2309
Harold Wise	5815 N 1800 W	801 336 7158
David Hougaard	7320 N. Hwy 38	435-279-4630
Kenny Funk	7035 N 2350 W	801-397-7593

Notice of Public Hearing to review a Proposal of Agriculture Protection Area (Hunsaker)

NOTICE IS HEREBY GIVEN that a **Public Hearing will be held before the Honeyville City Planning Commission on Wednesday, November 19, 2025, at 7:00 p.m. or shortly thereafter** in the Honeyville City Hall located at 2635 W. 6980 N. Honeyville, UT

The purpose of this hearing is to take public comments on proposal to create an Agriculture Protection Area (Hunsaker) for parcel #050-370-066 located at 7275 N. Salt Creek Road.

This Public Meeting will be held **IN-PERSON** at Honeyville City Hall. If you wish to make a Public Comment at this meeting, please be in attendance at 7:00 p.m.

Brittiny Chlarson

Brittiny Chlarson
Honeyville City Recorder
Posted 29th day of October 2025.

Notice of a Proposal of Agriculture Protection Area (Hunsaker)

NOTICE IS HEREBY GIVEN that a proposal to create an Agriculture Protection Area has been filed with Honeyville City by the owners of the following described property located in Honeyville City, Utah.

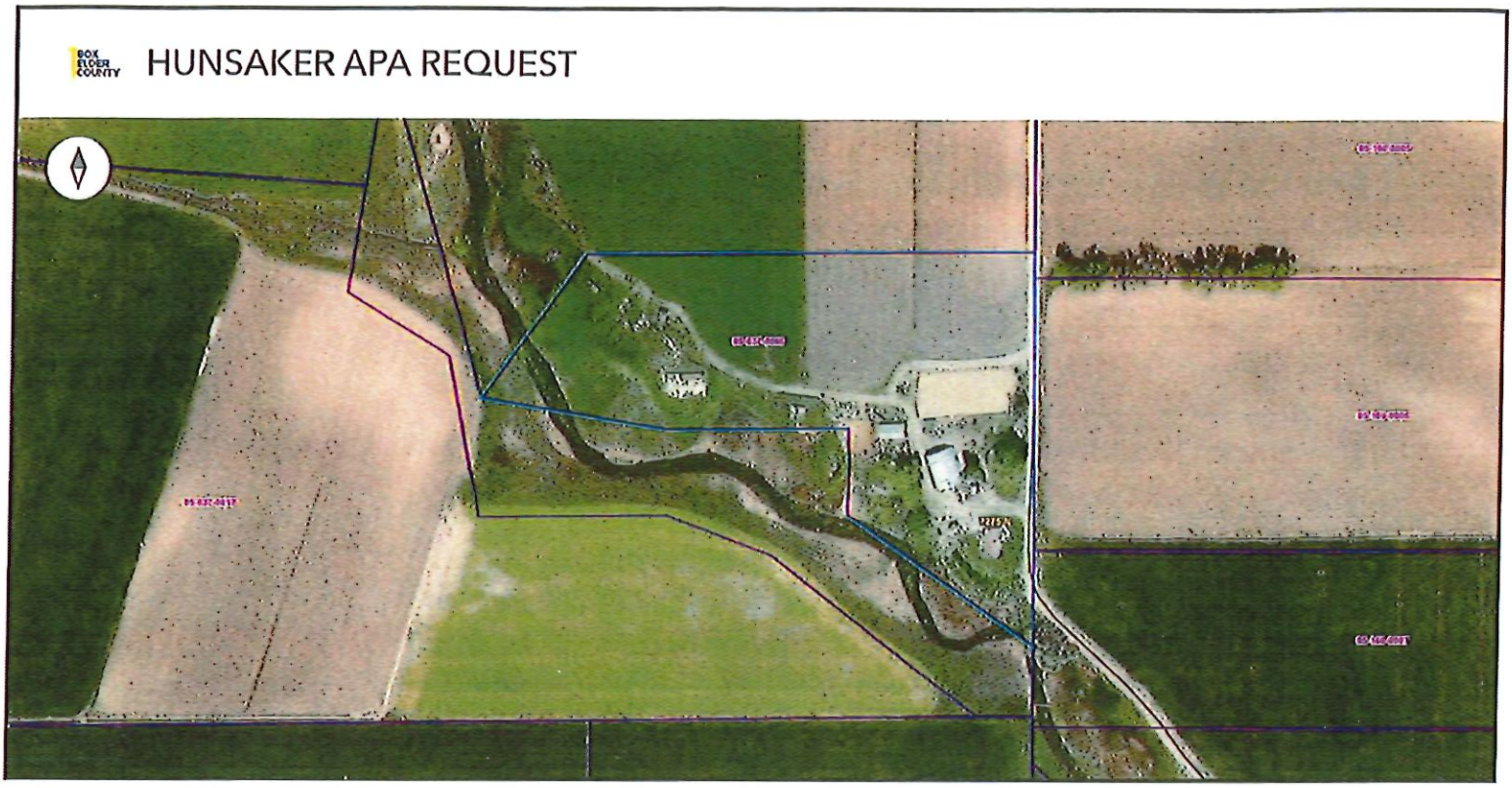
(See Attachment A)

The proposal will be open to public inspection in the Honeyville City Office located at 2635 W. 6980 N., Honeyville, Utah.

Any person or entity affected by establishment of the proposed Agriculture Protection Area may file a written request for modification of the proposal or written objections to the proposal within fifteen (15) days of the date of this notice by mailing or delivering the proposal to: PO Box 142 Honeyville, UT 84314 or in person at 2635 W. 6980 N. Honeyville, UT.

The Honeyville City Planning Commission will hold a Public Hearing to discuss and hear public comment on the proposal to create the Agricultural Protection Area. Public Notice will be given of the date, place and time of that hearing.

DATED this 29th day of October, 2025



Microsoft, Vantor | Box Elder County GIS Office & the many local Engineering and Surveying firms of Northern Utah.

A PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE EAST BOUNDARY OF BYRON HUNSAKER TTEE ETAL PROPERTY, TAX ID NO. 05-037-0019 AS DESCRIBED IN ENTRY NO. 201410, RECORDED IN THE BOX ELDER COUNTY RECORDER'S OFFICE LOCATED 2659.04 FEET NORTH 89°44'22" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE SOUTH QUARTER CORNER OF SAID SECTION AND 865.73 FEET NORTH 00°20'49" WEST FROM THE SOUTHWEST CORNER OF SAID SECTION 32;

RUNNING THENCE ALONG THE BOUNDARY OF SAID BYRON HUNSAKER TTEE ETAL PROPERTY THE FOLLOWING FIVE (5) COURSES: (1) SOUTH 00°20'49" EAST (SOUTH BY RECORD) 735.08 FEET; (2) NORTH 55°20'29" WEST 423.26 FEET (NORTH 55°00' WEST 423.00 FEET BY RECORD); (3) NORTH 00°20'29" WEST (NORTH BY RECORD) 162.40 FEET; (4) SOUTH 89°39'31" WEST (WEST BY RECORD) 346.50 FEET; AND (5) NORTH 79°20'29" WEST (NORTH 79°00' WEST BY RECORD) 365.00 FEET; THENCE NORTH 36°51'01" EAST 332.17 FEET; THENCE NORTH 89°57'04" EAST 850.66 FEET TO THE POINT OF BEGINNING. CONTAINING 9.39 ACRES.

Notice of Public Hearing of the intent to make Text Amendments to Titles 10 and 11 of the Honeyville City Code

NOTICE IS HEREBY GIVEN that a **Public Hearing will be held before the Honeyville City Planning Commission on Wednesday, November 19, 2025, at 7:00 p.m. or shortly thereafter** in the Honeyville City Hall located at 2635 W. 6980 N. Honeyville, UT

The purpose of this hearing is to take public comments on the intent to make text amendments to Title 10 & 11 of the Honeyville City Code.

This Public Meeting will be held **IN-PERSON** at Honeyville City Hall. If you wish to make a Public Comment at this meeting, please be in attendance at 7:00 p.m.

Brittiny Chlarson

Brittiny Chlarson
Honeyville City Recorder
Posted 6th day of November 2025.

TITLE 10:
LAND USE AND DEVELOPMENT REGULATIONS

CHAPTER 1: PURPOSE AND APPLICABILITY

10-1-1: Short title

This title shall be known and referred to as the "Land Use Ordinance of Honeyville City, Utah" or the "Land Use Ordinance" or "Zoning Ordinance"~~LAND USE ORDINANCE OF HONEYVILLE CITY~~ and may be so cited and pleaded.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-2: Authority

This title is adopted pursuant to the Utah land use development and management act, section 10-9a-101 of the Utah code, and the police power authority of local government as established by Utah common law.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-3: Purpose

The purposes of this title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, foster the city's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-4: Scope

Except as otherwise provided in section 10-1-5 of this chapter, this title shall apply to all property within the corporate limits of the city except property expressly exempted therefrom by the provisions of this title or other lawful exemption.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-5: Applicable provisions not in this title

A. All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions. Amendments to the text of this ordinance shall be consistent with the purposes, goals, objectives, and policies of the applicable adopted master plans or general plans of the City.

B Code provisions not found in this title applicable to the use and development of land include, but are not limited to, the following:

1. Title 8, "Water Regulations", of this code;
2. Title 9, "Building Regulations", of this code.
3. Title 11, "Subdivision Development and Regulations", of this code.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-6: Applicability to other entities, school districts, and charter schools

A. Applicability to Other Entities: Except as otherwise set forth in this section, Box Elder County and any municipality, school district, charter school, local district, special service district, or political subdivision of the state shall conform to any applicable provision of this title when installing, constructing, operating, or otherwise using any area, land, or building situated within the city.

B. School Districts and Charter Schools:

1. Except as provided in subsection B,2 of this section, a school district or charter school is subject to the provisions of this title.
    a. Notwithstanding subsection B,2 of this section, the city may:
        (1) Subject a charter school to standards within each zone pertaining to setback, height, bulk, and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
        (2) Impose regulations upon the location of a project necessary to avoid unreasonable risks to health or safety, as provided in subsection B,2,f of this section.
    b. The standards to which the city may subject a charter school under subsection B,1,a of this section shall be objective standards only and may not be subjective.
    c. Except as provided in subsection B,6,d of this section, the only basis upon which the city may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under subsection B,1,a of this section.
    d. Nothing in subsection B,1,c of this section may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.
2. The city may not:
    a. Impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
    b. Except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of schoolchildren and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
    c. Require a school district or charter school to pay fees not authorized by this section;
    d. Provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection

by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;

e. Require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in the impact fees act, title 11, chapter 36 of the Utah code; or

f. Impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

3. Subject to section 53A-20-108 of the Utah code, a school district or charter school shall coordinate the siting of a new school with the city to:

a. Avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and

b. Maximize school, student, and site safety.

4. Notwithstanding subsection B,2,d of this section, the city may, at its discretion:

a. Provide a walk-through of school construction at no cost and at a time convenient to the school district or charter school; and

b. Provide recommendations based upon the walk-through.

5. a. Notwithstanding subsection B,2,d of this section, a school district or charter school shall use:

(1) A city building inspector;

(2) (A) For a school district, a school district building inspector from that school district; or

(B) For a charter school, a school district building inspector from the school district in which the charter school is located; or

(3) An independent, certified building inspector who is:

(A) Not an employee of the contractor;

(B) Approved by:

(a) A city building inspector; or

(b) A. For a school district, a school district building inspector from that school district; or

B. For a charter school, a school district building inspector from the school district in which the charter school is located; and

(C) Licensed to perform the inspection that the inspector is requested to perform.

b. The approval under subsection B,5,a,(3),(B) of this section may not be unreasonably withheld.

c. If a school district or charter school uses a school district or independent building inspector under subsection B,5,a,(2) or B,5,a,(3) of this section, the school district or charter school shall submit to the state superintendent of public instruction and city building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

6. a. A charter school shall be considered a permitted use in all zoning districts within the city.

b. Each land use application for any approval required for a charter school, including an application for a building permit, shall be processed on a first priority basis.

c. Parking requirements for a charter school may not exceed the minimum parking requirements for schools or other institutional public uses throughout the city.

d. If the city has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school provides a waiver.

e. (1) A school district or a charter school may seek a certificate authorizing permanent occupancy of a school building from:

(A) The state superintendent of public instruction, as provided in subsection 53A-20-104(3) of the Utah code, if the school district or charter school used an independent building inspector for inspection of the school building; or

(B) A city official with authority to issue the certificate, if the school district or charter school used a city building inspector for inspection of the school building.

(2) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of subsection 53A-20-104(3)(a)(ii) of the Utah code.

(3) A charter school may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school used a school district building inspector for inspection of the school building.

(4) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under subsection 53A-20-104(3) of the Utah code or a school district official with authority to issue the certificate shall be considered to satisfy any city requirement for an inspection or a certificate of occupancy.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-7: ENACTMENT OF ORDINANCES, RESOLUTIONS, AND DEVELOPMENT AGREEMENTS; INTERPRETATION

A. *To accomplish the purposes of this title, the City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the City considers necessary or appropriate for the use and development of land within the City, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the forgoing purposes with a landowner's private property interests and associated statutory and constitutional protections.*

B. *In interpreting and applying this Ordinance, the requirements in this document are minimum requirements.*

10-1-8: GUIDELINES AND CHECKLISTS

A. *The City is hereby authorized and empowered to promulgate by way of resolution certain guidelines and/or checklists relative to this title.*

B. *Failure of an applicant(s) to follow guidelines or checklists may be cause for delay of approval.*

10-1-9: ANNEXED TERRITORY; ZONE CLASSIFICATION

Land annexed into the Ceity shall by default be zoned "A5" Aagricultural unless:

A. Tthe Ceity Ceouncil finds the default zoning district to be in conflict with surrounding land uses and assignsad assigns a different zone to such land which it finds more appropriate at the time of annexation;, or

B. The City receives an application for zoning map change from the applicant in combination with the petition for annexation. The accompanying petition for zoning map change shall be reviewed and processed in accordance with the provisions outlined in this title.

10-1-810-1-10: Licenses and permits to conform

Each department, official, and employee of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for a use, building, or purpose where the same would conflict with the provisions of this title. It shall be a violation of this title for any person to perform, or order the performance of, any act which is contrary to the provisions of this title or to fail to perform any act which is required by the provisions of this title. Any permit or license issued in violation of this title shall be null and void.

A. Permits Required: No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use or status of land be changed except after the issuance of valid permits which conform to the requirements of this title, unless no permit is required by this title or by the construction codes adopted by the city.

B. Utility Service: No electrical, sewer, telephone, water, or other utility line shall be installed to serve any premises if such installation is or will be in violation of this title.

C The issuance of any permits by the City shall not permit holders of said permits to violate restrictive covenants which may affect the subject property or lot. It shall be the responsibility of the permit holder to adhere to restrictive covenants. Violation(s) of restrictive covenants shall not be the City's responsibility to enforce, and may be remedied as indicated in the specific restrictive covenants.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-910-1-11: Construction and use to conform to plans

Building and other permits and certificates of occupancy issued by the city authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangements, or construction at variance with that shown on approved plans and specifications shall be deemed a violation of this title.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-10: Certificate of occupancy

A. Certificate of Occupancy Required: No land shall be used or occupied and no building hereafter structurally altered or erected shall be used, until a certificate of occupancy has been issued stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title. A certificate of occupancy either for the whole or part of a building or structure shall be applied for coincidentally with the application for a building permit, and shall be issued after the erection or structural alteration of such building or structure, or part thereof, has been completed in conformity with the provisions of this title and the building code.

B. Unlawful to Use or Occupy: It is unlawful to use or occupy, or to permit the use or occupancy, of any building or structure unless a certificate of occupancy has been issued for such building or premises.

~~It is unlawful to use or occupy, or to allow to be used or occupied, any building or structure with a use or occupancy that is different than specifically provided for in a certificate of occupancy.~~

~~C. Failure to Obtain Certificate of Occupancy: Failure to obtain a certificate of occupancy shall be a violation of this title.~~

~~D. Nuisance: The use or occupancy of any building for which a certificate of occupancy has not been issued is hereby declared to be a public nuisance and may be abated as such. It shall also be a public nuisance for any building or structure to be used or occupied in a manner different than authorized by a certificate of occupancy.~~

~~(Adopted by Ord. 2007-02 on 7/11/2007)~~

~~10-1-11~~10-1-12: Conflicting provisions - review

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. In cases where provisions within this title conflict, the most restrictive provision shall apply over the less restrictive one unless the less restrictive provision specifically provides otherwise.

(Adopted by Ord. 2007-02 on 7/11/2007)

~~10-1-12~~10-1-13: Repeal of prior ordinance

Titles 10 and 11 of this code, as amended and as existed prior to the ordinance codified herein, are hereby superseded and amended as set forth in this title.

(Adopted by Ord. 2007-02 on 7/11/2007)

~~10-1-13~~10-1-14: Previous ordinances continued

This title shall be deemed a continuation of titles 10 and 11 of this code as existed prior to the ordinance codified herein and not a new enactment insofar as the substance of revisions included herein, whether in the same or different language. This title shall be so interpreted upon any question concerning the tenure of an officer or board established by prior title 10 or 11 of this code, or upon any question concerning the legal conformity of any lot, structure, use, or other nonconformity except as may be otherwise provided in chapter 6, "Nonconformities", of this title.

(Adopted by Ord. 2007-02 on 7/11/2007)

~~10-1-14~~10-1-15: Transition rules

Nothing in this title shall require a change in any plans, construction, or designated use of any building or structure if a complete application for the same was submitted prior to the effective date of this title, unless such application, or a permit issued thereunder, expires. If an application or permit expires, any new permit shall conform to the requirements of this title.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-1-16: VIOLATION A MISDEMEANOR

Where punishment for specific provisions is not specified in this ordinance, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing or permitting the violation of any of the provisions of the ordinance shall be guilty of a Class C misdemeanor. Where punishment for the violated provision is specified, the violator shall be subject only to the fine or criminal charge set forth (and shall not necessarily be found guilty of a Class C misdemeanor). Upon conviction thereof, the guilty party shall be punishable under the applicable provisions of State law. Such person, form, or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

10-1-17: VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part hereof other than the part specifically so declared to be invalid.

CHAPTER 2: PLANNING DOCUMENTS

10-2-1: Purpose

The purpose of this chapter is to identify planning documents which provide the policy foundation for this title and to set forth the basis for preparing, adopting, and amending such plans.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-2-2: General plan

A. Purpose: In order to accomplish the purposes set forth in chapter 1 of this title, and as required under section 10-9a-401 of the Utah code, the city has prepared and adopted a comprehensive, long range general plan for present and future needs of the city, and growth and development of the land within the city.

B. Content: The general plan shall show the city's recommendations for development of the territory covered by the plan, and may consist of text, maps, charts, and descriptive and explanatory matter which addresses the required elements as outlined in §10-9a-4 of Utah State Code (as amended). ~~Except as otherwise set forth in this section, the city council shall determine the comprehensiveness, extent, and format of the general plan.~~

~~1. The general plan shall include:~~

~~a. A land use element that:~~

~~(1) Designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and~~

~~(2) May include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan.~~

~~b. A transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~

any other modes of transportation, all correlated with the population projections and the proposed land use element.

2. The general plan may include:

a. An environmental element that addresses:

(1) The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, wildlife, minerals, and other natural resources; and

(2) The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.

b. A public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights of way, easements, and facilities for them, police and fire protection, and other public services.

c. A rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(1) Historic preservation;

(2) Diminution or elimination of blight; and

(3) Redevelopment of land, including housing sites, business and industrial sites, and public building sites.

d. An economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.

e. Recommendations for implementing all or any portion of the general plan, including land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action.

f. Provisions addressing any of the matters listed in subsection 10-9a-401(2) of the Utah code.

g. Any other element the city considers appropriate.

C. Amendment of Plan: The general plan may be amended by following the procedures set forth in this section.

1. Persons wishing to propose a general plan amendment shall file their proposals and shall pay any fee established by the cCity's adopted fee schedule. Notwithstanding the foregoing, the cCity cCouncil may at any time, by majority vote, authorize preparation of proposed general plan amendments.

2. A person who proposes a general plan amendment shall do the survey and analysis work necessary to justify the proposed amendment. To ensure sufficient information is provided to evaluate each proposal, an applicant shall submit the following information:

a. For map amendments:

(1) A map not less than Eight and one-half inch by eleven-inch ($8^1/_2$" x 11"), map showing the area of the proposed amendment;

(2) Current copy of county assessor's parcel map showing the area of the proposed amendment;

(3) Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half ($^1/_2$) mile beyond such area;

(4) Correct property addresses of parcels included within the area of the proposed amendment;

(5) Written statement specifying the potential use of property within the area of the proposed amendment;

(6) Written statement explaining why the existing general plan designation for the area is no longer appropriate or feasible;

(7) Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc.; and

(8) As part of the general plan map amendment process, the applicant shall attempt to collect the signature of the property owner or authorized agent or, in the case of amendments affecting multiple properties, the signatures of a majority of the persons who own property within the area proposed for the general plan map amendment.

b. For text amendments:

(1) Written statement showing the desired language change;

(2) Written statement explaining why the existing general plan should be amended;

(3) Analysis of the potential impacts of the proposed amendment; and

(4) Map showing affected areas if proposed text changes will affect specific geographic areas.

3. After completing its recommendation regarding a proposed general plan amendment, the planning commission shall schedule and hold a public hearing on the proposed amendment as provided in subsection 10-5-4C of this title at least ten (10) days before the public hearing. After the public hearing, the planning commission may modify the proposed amendment and shall then forward the proposed amendment to the city council for consideration.

D. Council Action: The city council may make any revisions to the proposed general plan amendment that it considers appropriate and may thereafter adopt or reject the proposed amendment. If the city council rejects the proposed general plan amendment, it may provide suggestions to the planning commission for consideration.

E. Effect of Plan on Public Uses: After adoption of the general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

F. Legal Status of Plan: The general plan is only an advisory guide for growth and development of the land within the city.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-2-3: Official map

A. Authorized: The Ceity Ceouncil may adopt an official map. An official map does not:

1. Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in subsection B,3 of this section; or
2. Require ~~a municipality~~the City to immediately acquire property it has designated for eventual use as a public street.

B. Property Acquisition: This section does not prohibit the C~~c~~ity from:
1. Acquiring property through purchase, gift, voluntary dedication, or eminent domain.
2. Requiring dedication and improvement of a street if the street is found necessary by the city because of a proposed development and if:
   a. An essential link exists between a legitimate governmental interest and each exaction; and
   b. Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
3. Recommending that an applicant consider and accommodate the location of proposed streets in the planning of a development proposal in a manner that is consistent with subsection B,2 of this section.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-2-4: Capital facilities plan

A. Capital Facilities Availability: In the event capital facilities are unavailable to serve a proposed development project subject to the requirements of this title, the capital facilities plan adopted pursuant to C~~c~~hapter 32 of this title shall be used as a guide to determine when needed capital facilities may be available.

~~B. Capital Facilities Plan Preparation: A capital facilities plan shall be prepared as provided in section 11-36-201 of the Utah code.~~

(Adopted by Ord. 2007-02 on 7/11/2007)

CHAPTER 3: DEFINITIONS

10-3-1: Purpose

The purpose of this chapter is to provide rules of construction, definitions, and illustrations so that the provisions of this title may be readily understood and consistently administered.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-3-2: Scope

The rules of construction, definitions, and illustrations contained in this chapter shall apply to the entirety of this title.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-3-3: Interpretation rules

A. General: All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed to accomplish the purposes of this title.

B. Computation of Time: The time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday, then the last day shall be the ~~next~~ following business day. In computing the time required for public hearing notice, the day of the hearing shall be excluded.

C. Conjunctions: Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events shall apply.
2. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

D. Mandatory and Discretionary Terms: The word "shall" is always mandatory. The word "should" mean the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" be permissive.

E. Nontechnical and Technical Words: Words and phrases shall be construed according to the common use and understanding of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

F. Tense, Number, and Gender: Words used in the past or present tense include the future as well as the past or present unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular as the context and application of this title may reasonably suggest. Words of one gender shall apply to any person, natural or fictitious, regardless of gender, as the context and application of this title may reasonably suggest.

G. Fractional Numbers: In determining compliance with the numerical requirements of this title, any computation or measurement resulting in a fractional number shall be rounded to the nearest whole number.

H. Public Officials, Bodies and Agencies: All public officials, bodies, and agencies to which reference is made are those of the city of Honeyville, Utah, unless otherwise indicated.

I. Delegation of Authority: Whenever a provision appears requiring the mayor, head of a department, or some other officer or employee to do some act or perform some duty, it shall be construed to authorize the mayor, head of the department, or other officer to designate, delegate, and authorize subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(Adopted by Ord. 2007-02 on 7/11/2007)

10-3-4: Definitions of words and phrases

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

ACCESSORY BUILDING: A detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

ACCESSORY DWELLING UNIT: A habitable living unit added to, created within, or detached from a primary single family dwelling and constrained on one (1) lot.

ACCESSORY USE: See definition of Use, Accessory.

ADJACENT LANDOWNER: A property owner of record, according to the records of the county recorder, whose property abuts all or part of property proposed for development.

ADMINISTRATIVE LAND USE AUTHORITY: An individual, board, or commission, appointed or employed by the City, including City Staff or the City's Planning Commission. Administrative land use authority does not include the City Council or a member of the City Council.

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty-four (24) hours per day.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision or will suffer damage different in kind than, or an injury district from, that of the general community as a result of a land use decision.

AFFECTED ENTITY: A county; a municipality; a local district; a special service district under the Utah special service district act; a school district; an interlocal cooperation entity established under the interlocal cooperation act; an electrical, gas, or telephone utility as defined in ~~section~~ 54-2-1 of ~~the~~ Utah ~~c~~Code (as amended); a property owner; a property owners' association; or the Utah Ddepartment of Ttransportation (UDOT), if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

B. The entity has filed with the city a copy of the entity's general or long-range plan; or

C. The entity has filed with the city a request for notice during the same calendar year and before the city provides required notice to an affected entity.

AFFECTED OWNER: The owner of real property that is a single project; the subject of a land use approval that sponsors of a referendum timely challenged in accordance with §20A-7-601(6) of Utah State Code (as amended); and determined to be legally referable under §20A-7-602.58 of Utah State Code (as amended).

AGRICULTURAL BUSINESS: The conduct of agricultural activity involving the keeping, grazing and pasturing of domestic animals for commercial gain. Typical uses include the raising of animals for food or for the production of food in excess of that required for a household and the boarding or stabling of animals other than those owned and used by household members.

AGRICULTURAL INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage. Typical uses include commercial feed yards, fur farms,

commercial milk production, food packaging or processing plants, and commercial poultry or egg production.

AGRICULTURAL USE, LAND IN:

A. Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
   1. Forages and sod crops;
   2. Grains and feed crops;
   3. Trees and fruits; or
   4. Vegetables, nursery, floral, and ornamental stock; or
   5. Livestock;
      a. "Livestock" means:
         (1) A domestic animal;
         (2) A fish;
         (3) A fur-bearing animal;
         (4) A honeybee; or
         (5) Poultry.

B. Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

AGRICULTURAL PROCESSING: Initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include sawmills and packinghouses. Slaughterhouses are specifically excluded from this definition.

AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses which are used for wholesale and/or retail purposes.

AGRICULTURE: The tilling of soil, raising of crops, produce, horticulture and gardening, keeping or grazing of domestic animals and noncommercial feed yards, but not including any agricultural business or industry.

ALLEY: A public thoroughfare less than twenty-six feet (26') wide for the use of pedestrians and vehicles providing a secondary means of access to the rear of abutting properties.

ANIMAL, EXOTIC: Any species of animal which is:

A. Not indigenous to the continental United States except tropical fish, ~~furbearing~~ fur bearing animals commercially bred for the furrier trade, and birds, or

B. Venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, except honey producing bees, or

C. Not confined or cultivated for farm or commercial purposes.

ANIMAL HOSPITAL: A building where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. "Animal hospital" does not include use of the premises as a kennel or a place where animals or pets are boarded for remuneration except when incidental to a principal use.

ANIMAL OR FOWL UNIT: A method of accounting for the relative impact of adult domestic animals and fowl. "Adult" means animals and fowl of breeding age.

A. Each of the following shall constitute one animal unit, but not including any animal defined as a "household pet":

   1. One large domestic animal (horse, mule, cow, or other similar size animal).
   2. Three (3) medium domestic farm animals (pig, sheep, goat, or similar size animal).
   3. Five (5) small domestic animals (rabbit or similar size animal).

B. Each of the following shall constitute one fowl unit, but not including any fowl defined as a "household pet":

   1. Five (5) large fowl (duck, goose, or turkey or similar size fowl).
   2. Twenty-five (25) medium fowl (chickens, pheasants, or pigeons or similar size fowl).

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken, turkey, and rabbit raising, egg production, apiaries, and aviaries.

ANIMALS AND FOWL FOR RECREATION AND FAMILY FOOD PRODUCTION: The keeping of animals on a lot for enjoyment and exclusive use by persons residing thereon.

ANTENNA: Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services.

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower, tripod or other structure which supports an antenna.

APARTMENT HOUSE: See definition of Dwelling, Multiple-Family.

APPEAL AUTHORITY: The person, board, commission, agency, or other body which decides an appeal of a decision of a land use application or authorizes a variance as provided in this title.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty-four (24) hours per day, to residents who have been assessed under Utah department of health or the Utah department of human services rules to need any of these services and who have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting residents' independence and self-sufficiency. An assisted living facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

ASSOCIATION: The same as defined in:

A. Regarding a common area, §57-8a-102 of Utah State Code (as amended); and
B. Regarding a common area and facility, §57-8-3 of Utah State Code (as amended)..

ATTORNEY, CITY: The person selected or appointed by the city council to represent Honeyville City as the city's attorney.

AUDITORIUM OR STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMOBILE WRECKING YARD: Any lot, land or area used for the storage, keeping, dismantling or salvaging of two (2) or more unlicensed automobiles or parts thereof.

BAIL BOND SERVICE: An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.

BANK OR FINANCIAL INSTITUTION: An organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions.

BASEMENT: That portion of a building that is partly or completely below grade. A basement shall not be considered as a story above grade plane where the finished surface of the floor above the basement is:

A. More than six feet (6') above grade plane;

B. More than six feet (6') above the finished ground level for more than fifty percent (50%) of the total building perimeter; or

C. More than twelve feet (12') above the finished ground level at any point.

BED AND BREAKFAST: A commercial activity within a residential structure where rooms may be rented to paying guests on a nightly basis and breakfast is provided.

BENCHMARK: The mark affixed to a permanent or semipermanent object along a line of survey to furnish a datum level.

BERM: A mound of earth, generally two (2) to six feet (6') high, used to shield, screen, and buffer undesirable views and to separate land uses.

BILLBOARD: A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

BLOCK: Land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BOARDING HOUSE: A building with not more than five (5) guestrooms, where, for compensation, meals are provided for not more than fifteen (15) persons.

BOUNDARY ADJUSTMENT: As defined in §10-9a-103 of Utah State Code (as amended)

BOUNDARY ESTABLISHMENT: As defined in §10-9a-103 of Utah State Code (as amended)

BUILDABLE AREA: The area of a lot within front, rear and side yard setback lines where a main building may be constructed.

BUILDING: A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, ~~article, or chattel~~or property..

BUILDING AREA: The area included within the surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BUILDING FACADE: Any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

BUILDING LINE, FRONT: A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot.

BUILDING LINE, REAR: A line parallel to the rear lot line and at a distance therefrom equal to the required depth of the rear yard and extending across the entire width of the lot.

BUILDING LINE, SIDE: A line parallel to the side lot line and at a distance therefrom equal to the required depth of the side yard and extending between the front and rear building lines.

BUILDING, MAIN: The principal building or one of the principal buildings located on a lot designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one "lot" as defined by this section shall be deemed a main building.

BUILDING OFFICIAL: The person designated by the city council as the building official or building inspector.

BUILDING OR STRUCTURE HEIGHT: The vertical distance from the grade plane to the average height of the highest roof surface.

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.

BUSINESS EQUIPMENT RENTAL AND SUPPLIES: An establishment primarily engaged in the display, storage, and sale of goods or services used by office, professional and service establishments. Includes the sale, rental or repair of equipment and supplies used by office, professional, and service establishments, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

CAPITAL FACILITIES: Any or all of the following facilities that have a life expectancy of ten (10) or more years: water rights and water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; roadway facilities; parks and recreation facilities, open space and trails; and public safety facilities.

CAPITAL FACILITIES PLAN: ~~That plan required by section 11-36-201 of the Utah code for public facilities, including, but not limited to, water, stormwater, parks, open space, and transportation, as the same may be amended from time to time.~~ A strategic planning document that outlines the long-term strategy for meeting current and future service needs relating to infrastructure such as roads, water, and parks.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CARPORT: A covered automobile parking space with at least two (2) sides open. For the purposes of this title a carport shall be subject to all of the regulations prescribed for a private garage.

CEMETERY: Land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums.

CHARTER SCHOOL: Any of the following:

A. An operating charter school.

B. A charter school applicant that has its application approved by a chartering entity in accordance with §5G-5-3, Charter School Authorization of ~~the Utah charter schools act~~ Utah State Code (as amended).

~~the Utah charter schools act.~~

A. An entity working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

B. §5G-5-3, Charter School Authorization of ~~the Utah charter schools act~~ Utah State Code (as amended).

CHURCH OR PLACE OF WORSHIP: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used primarily for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions, and for church related activities.

CITY: The city of Honeyville, Utah, a municipal corporation.

CITY COUNCIL: The Honeyville, Utah, city council.

CITY ENGINEER: A registered civil engineer so appointed or employed by the city.

CLEAR VIEW AREA: Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this title.

CLINIC: See definition of Medical Service.

CLUB OR SERVICE ORGANIZATION: An establishment or organization providing meeting, recreational or social facilities for a private or nonprofit association, except a private club as defined herein. Typical uses include lodges, meeting halls, recreation centers, and areas operated by social clubs, fraternal and service organizations.

CLUB, PRIVATE: Any nonprofit corporation operating as a social club, recreational, fraternal, or athletic association, or kindred association which allows the consumption of liquor on its premises pursuant to a license granted by the Utah Alcoholic ~~b~~Beverage ~~c~~Control ~~c~~Commission.

COLLEGE OR UNIVERSITY: An institution of higher education offering undergraduate or graduate degrees and including, but not limited to, such accessory uses as dormitories, museums, stadiums, and theaters.

COMMON AREAS: Property that the Association:

A. Owns;

B. Maintains;

C. Repairs; or

~~—~~Administers.

COMMON AREA and FACILITIES:

A. The land included within the condominium project, whether leasehold or in fee simple;

B. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;

C. The basements, yards, gardens, parking areas, and storage spaces;

D. The premises for lodging of janitors or persons in charge of the property;

E. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, and incinerating;

F. The elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;

G. Such community and commercial facilities as may be provided for in the declaration; and

H. All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

COMMUNITY LOCATION: A public or private kindergarten, elementary, middle, junior high, or high school; a licensed child-care facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth oriented activities; a public recreational facility; a public arcade; or a homeless shelter.

CONCEPT PLAN: A scale drawing that shows proposed development and supporting infrastructure on a generalized basis.

CONDITIONAL USE: See definition of Use, Conditional.

CONDOMINIUM: Means a multi-unit development in which individual units are separately owned and each owner receives a recordable deed to the unit, together with an undivided interest in any common elements. A condominium development shall be regarded as a subdivision.The ownership of a single unit in a multi-unit project together with an undivided interest in common areas and facilities of the property created pursuant to the Utah Condominium Ownership Act.~~The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property created pursuant to the Utah Ccondominium Oownership Aact.~~

CONDOMINIUM DECLARATION: See definition of Declaration.

CONDOMINIUM PROJECT: A real estate plan, project, or property where two (2) or more units, whether contained in existing or proposed apartments, commercial, or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale pursuant to the Utah condominium ownership act.

CONSTITUTIONAL TAKING: A city action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or fourteenth amendment of the constitution of the United States; or

B. Utah constitution article I, section 22.

CONSTRUCTION: The materials, architecture, assembly, and installation of a building or structure.

CONSTRUCTION SALES AND SERVICE: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' offices and storage yards, and public utility corporation storage yards.

CONSTRUCTION STANDARDS: The standards and specifications adopted by the city, which establish minimum standards for the design and construction of infrastructure improvements.

CONVALESCENT CARE FACILITY: An establishment providing bed care and inpatient services for persons needing regular medical attention but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Typical uses include nursing homes and rest homes.

CONVENIENCE STORE: An establishment, not exceeding five thousand (5,000) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales.

CONVERTIBLE LAND: A building site which is a portion of the common areas and facilities described by metes and bounds, within which additional units or limited common areas and facilities may be created pursuant to the Utah condominium ownership act.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals legally confined for violations of law.

COUNTY: Box Elder County, Utah.

CULINARY WATER AUTHORITY: The Honeyville City Wwater Ddepartment.

CULINARY WATER FACILITIES: Water, water supply, pipelines, pumps, springs, wells and/or any other physical facilities necessary to provide a sufficient quantity of approved quality water to each lot.

CULTURAL SERVICE: A library, museum or similar public or registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

DECIBEL (dB): A unit of measure used to express intensity of noise.

DECLARATION: The legal instrument by which property is subjected to the provisions of the Utah condominium ownership act.

DEDICATION: The setting aside of land by an owner for any general and/or public uses, reserving for himself themself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is devoted.

DENSITY: The number of dwelling units per acre within a subdivision or other development based on the total tract area whether developable or not, including streets, water areas, and open space conservation areas.

DETACHED ACCESSORY DWELLING UNIT: A self-contained dwelling unit located on an owner occupied property that is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

DEVELOPER: The person, association or corporation developing or causing to be developed the property subject to the provisions of this title.

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between the City and one (1) or more parties that regulates or controls the use or development of a specific area of land. The development agreement does not include an improvement completion assurance.

DEVELOPMENT APPROVAL: Any written authorization from the city that authorizes the commencement of development activity.

DEVELOPMENT OR DEVELOPMENT ACTIVITY: Any of the following:

A. Any ~~manmade~~ man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

B. Any construction, reconstruction, or expansion of a building, structure, or use.

C. Any change in the use of a building or structure.

D. The total area of a lot on which a building permit is to be issued or the total area of property being improved.

E. Any change in the use of land that creates additional demand and need for capital facilities.

F. The property being developed and/or subdivided.

G. The act, process or result of developing.

DEVELOPMENT REVIEW COMMITTEE: The Development Review Committee (DRC) is a staff-level committee comprised of one member of the Planning Commission, the Zoning Administrator, the Public Works Director, and one citizen of Honeyville as appointed by the Mayor in accordance with the Administrative Land Use Authority standards pursuant to §10-9a-603 of Utah State Code (as amended). The DRC shall meet on an as-needed basis and shall act upon the agreement of at least three DRC members.

DISABILITY: A physical or mental impairment which substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC 802, or successor law.

DUPLEX: See definition of Dwelling, Two-Family.

DWELLING: Any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

DWELLING, MULTIPLE-FAMILY: A dwelling having three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family and having only one dwelling unit.

DWELLING, SINGLE-FAMILY WITH ACCESSORY APARTMENT: A building having only one dwelling unit and one accessory apartment. See accessory dwelling unit.

DWELLING, TEMPORARY: A trailer or structure used for temporary residential purposes solely by a property owner or builder during the construction of a permanent dwelling on a lot.

DWELLING, TOWNHOUSE: A dwelling unit in a row of at least three (3) such units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other unit by (1) one or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied 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 kitchen facilities, all for exclusive use by a single family maintaining a household.

EDUCATIONAL FACILITY: A school district's building at which pupils assemble to receive instruction in a program from any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities; a structure or facility located on the same property as a building described above and used in support of the use of that building; and a building to provide office and related space to a school district's administrative personnel. An educational facility does not include land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is not located on the same property as a building described above or used in support of the purposes of a building described above. An educational facility does not include a therapeutic school.

ENVIRONMENTAL IMPACT ANALYSIS (EIA): A process that evaluates the positive or negative potential environmental impacts of development before it begins. The goal of an EIA is to help decision makers understand the environmental effects of a proposal and to take steps to reduce or avoid those effects.

ELDERLY PERSON: A person who is sixty (60) years old or older who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

EXTERNAL ILLUMINATION: Lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

FAA: The Ffederal Aaviation Aadministration.

FACILITY OWNER: As defined in §10-9a-603 of Utah State Code (as amended)

FCC: The Ffederal Ccommunications Ccommission.

FAMILY: Any one 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 other legal relationship living together as a single housekeeping unit; and up to two (2) other unrelated persons residing on the same premises where the housekeeping unit is located.

C. Two (2) or three (3) unrelated persons living together as a single housekeeping unit and the children of any of them.

FAMILY CHILD DAYCARE FACILITY: A facility licensed by the state of Utah which provides childcare in a residence for less than nine (9) children unrelated to the licensee for less than twenty-four (24) hours a day, with regularly scheduled, ongoing enrollment, for direct or indirect compensation.

FAMILY CHILD RESIDENTIAL CERTIFICATE CARE FACILITY: A facility certificated by the Sstate of Utah which provides childcare in the residence of a provider for five (5) to eight (8) children, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation.

FAMILY ~~CHILDCARE~~ CHILD CARE CENTER: A commercial establishment having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides care, protection and supervision for five (5) or more children on a regular basis away from their primary residences for more than four (4) but less than twenty-four (24) hours per day. Excludes the following:

A. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;

B. Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or

C. Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations.

FAMILY GROUP CHILD DAYCARE FACILITY: A facility licensed by the Sstate of Utah which provides childcare in a residence for nine (9) to sixteen (16) children unrelated to the licensee for less than twenty-four (24) hours a day, with regularly scheduled, ongoing enrollment, for direct or indirect compensation.

FARMERS' MARKET: An establishment or premises where farm products from local farmers are sold at retail from covered or open-air areas designated for individual retailers.

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

FENCE, SIGHT OBSCURING: A fence that permits vision through not more than ten percent (10%) of each square foot of fencing.

FIRE AUTHORITY: The ~~Honeyville City volunteer fire department~~Central Box Elder Fire District.

FLOOD PLAIN: Land that is within the one hundred (100) year floodplain designated by the Federal Emergency Management Agency (FEMA); or has not been studied or designated by FEMA but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a one hundred (100) year floodplain designed by FEMA.

FLOOR AREA, TOTAL: See definition of Gross Floor Area.

FREIGHT TERMINAL: A building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

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 a 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.

FULL BOUNDARY ADUSTMENT: means a boundary adjustment that is not a simple boundary adjustment.

FUNERAL HOME: An establishment engaged in preparing human deceased for burial and conducting funerals.

GARAGE, PRIVATE: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

GARDEN CENTER: An establishment primarily engaged in the retail sales of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

GAS AND FUEL, STORAGE AND SALES: An establishment or site used for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding ~~belowground~~ below ground storage that is ancillary to an allowed principal use on the site.

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products, including gasoline sales conducted as part of a convenience store.

GENERAL PLAN: A document adopted by the city council that sets forth general guidelines for proposed future development of the land within the city as set forth in section 10-2-2 of this title.

GEOLOGIC HAZARD: A surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life or of substantial loss of or damage to real property. See also sensitive land.

GOLF COURSE: A facility providing private or public golf recreation services and support facilities, but excluding miniature golf facilities.

GOVERNMENT SERVICE: Any building or facility used, owned or operated by a government entity which provides services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADE: A reference plane representing the average of finished ground level adjoining a building at the exterior walls. When finished ground level slopes away from an exterior wall, grade shall be the lowest point within the area between the building and the lot line or, when the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

GROSS FLOOR AREA: The total floor area of a building expressed in square feet measured from the exterior of outside walls.

GUESTHOUSE: ~~A secondary, detached dwelling unit with or without kitchen facilities located on a lot with one or more main dwelling units which is:~~ See accessory dwelling unit.

A. Used for housing of guests without compensation, and

B. Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot.

HEALTH DEPARTMENT, LOCAL: Bear River Health Department

HEAVY INDUSTRY: An establishment engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials; or a use engaged in manufacturing processes utilizing flammable or explosive materials; or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, slaughterhouses, steelworks and tanneries.

HEIGHT, BUILDING OR STRUCTURE: See definition of Building or Structure Height.

HEIGHT, SIGN: See definition of Sign Height.

HEIGHT, STORY: The vertical distance from top to top of two (2) successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

HOME OCCUPATION: A commercial or other nonresidential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes as provided in chapter 25 of this title.

HOMELESS SHELTER: A place of temporary abode for persons who have no residence.

HOSPITAL: A facility that:

A. Offers services more intensive than those required for room, board, personal services and general nursing care;

B. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; or

C. Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care or other definitive medical treatment of similar extent; and

D. Any accessory use such as offices for medical and dental personnel and central service facilities such as pharmacies, medical laboratories, and other related uses.

HOTEL: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

HOUSEHOLD: A family living together in a one (1) dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

HOUSEHOLD PET: Animals or fowl ordinarily allowed inside a dwelling unit and kept for company or pleasure, not profit, such as dogs, cats, pigeons, or rabbits, but not including:

A. Chickens, ducks, geese, pigs or other domestic farm animals.

B. Exotic animals.

C. A sufficient number of dogs to constitute a commercial kennel.

IMPACT FEE: A payment of money imposed upon development activity as a condition of development approval as provided in ~~c~~Chapter 32 of this title.

IMPROVEMENT GUARANTEE: A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the town to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed-use, or multifamily project.

IMPROVEMENT PLAN: A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety, that is required for human occupation, or that is required by applicable law and that an applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.

IMPROVEMENT WARRANTY: an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

A. Complies with the City's written standards for design, materials, and workmanship; and

B. Will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period

IMPROVEMENT WARRANTY PERIOD: A period:

A. No later than one (1) year after the City's acceptance of required landscaping; or

B. No later than one (1) year after the City's acceptance of required infrastructure, unless the City:

1. Determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and

2. Has substantial evidence, on record:

a. Of prior poor performance by the applicant; or

b. That the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

INFRASTRUCTURE IMPROVEMENT: Permanent infrastructure that is essential for the public health and safety or that is required for human occupation; and an applicant must install in accordance with public installation and inspection specifications for public improvements and whether the improvement is public

or private, as a condition of recording a subdivision plat, obtaining a building permit, or development of a commercial, industrial, mixed-use, condominium, or multifamily project.

INTERNAL LOT RESTRICTION: A platted note, platted demarcation, or platted designation that runs with the land and creates a restriction that is enclosed within the perimeter of a lot described on the plat; or designates a development condition that is enclosed within the perimeter of a lot described on the plat.

INTERNAL ACCESSORY DWELLING UNIT: A self-contained dwelling unit within or attached to a single family owner occupied residential building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen.

JUNK OR SALVAGE YARD: Any place, establishment, or part of a lot maintained, used, or operated for collection, storage, keeping, or abandonment of ~~wastepaper~~waste paper, rags, scrap metal or discard material, including dismantling, demolition of machinery or parts thereof, but excluding an automobile wrecking yard and any use which is clearly accessory and incidental to a permitted or conditional use.

KENNEL: A commercial establishment having three (3) or more dogs over the age of four (4) months for the purpose of boarding, breeding, buying, selling, grooming, letting for hire, or training for a fee.

KIOSK: A small structure, typically located within a pedestrian walkway or similar circulation area, intended for uses as a small shop, or for use as a display space for posters, notices and exhibits.

KITCHEN: An area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

LAND USE: See definition of Use, Land.

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

LAND USE APPLICATION: An application required by the City and submitted by a land use applicant to obtain a land use approval; this does not mean an application to enact, amend, or repeal a land use regulation.~~An application for the use or development of land required by this title~~.

LAND USE AUTHORITY: An individual, board, or commission, appointed or employed by the City, including City staff, or Planning Commission. "Land Use Authority" does not include a City legislative body or a member of the City legislative body.

~~The person, board, commission, agency, or other body designated by the city council under this title to act upon a land use application.~~

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application.

LAND USE PERMIT: A permit for the use or development of land issued under the provisions of this title.

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. Includes the adoption or amendment of a zoning map or the text of the zoning code and does not include a land use decision of the City Council acting as the land use authority even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact a land use applicant's use of land.

LAUNDRY OR DRY CLEANING, LIMITED: An establishment providing household laundry and cleaning, dry cleaning services, classified as low hazard in applicable codes, with customer drop off and pick up; or an establishment providing home type washing, drying, and/or ironing machines for hire to be used by customers on the premises. The term excludes large-scale dry-cleaning activities permitted under the definition of Laundry Services.

LAUNDRY SERVICES: An establishment primarily engaged in the large-scale cleaning of laundry or that includes dry cleaning activities other than those classified as low hazard in applicable codes, but excluding laundry or dry cleaning, limited.

LEGAL LOT / LEGAL LOT OF RECORD: Any land parcel that existed, as recorded in the Office of the County Recorder, with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to the date of first City Subdivision Ordinance enactment, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the City and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.

LEGISLATIVE BODY: The City Council.

LIGHT SOURCE: Neon, fluorescent or similar tube lighting, an incandescent bulb, including the light producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes a light source.

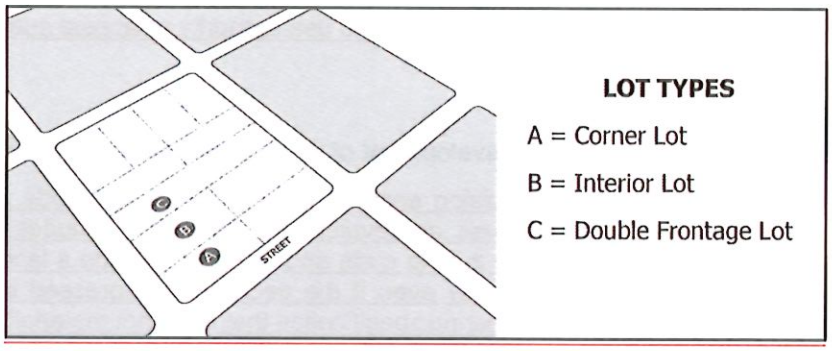
LIQUOR STORE: An establishment licensed by the Utah Aalcoholic bBeverage cControl cCommission for the sale of alcoholic beverages for off-site consumption.

LOCAL DISTRICT: An entity under Limited Purpose Local Government Entities - Local Districts, §17B, of Utah State Code (as amended) and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

LOT: An uninterrupted tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder ~~A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.~~

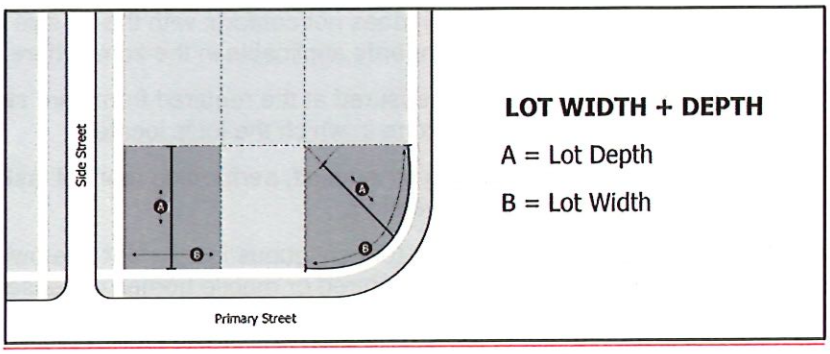
LOT AREA: The total land area of a lot measured on a horizontal plane.

LOT, CORNER: A lot abutting two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).



LOT COVERAGE: The total horizontal area of a lot covered by any building or structure which extends above the surface of the ground level, including any covered parking spaces.

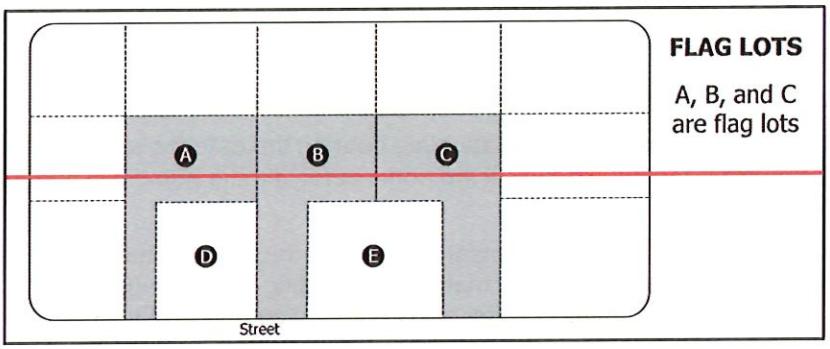
LOT DEPTH: The mean horizontal distance from a front lot line to a rear lot line.



LOT, DOUBLE FRONTAGE: A lot abutting two (2) parallel or approximately parallel streets.

LOT, FLAG: A lot located to the rear of another lot, the main body of which does not front on a street and is

accessed by a narrow corridor.



LOT FRONTAGE: The distance, measured along the front lot line, that a lot adjoins a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot that divides one lot from another lot, a parcel, or a street.~~A line of record bounding a lot that divides one lot from another or from a street.~~

LOT LINE ADJUSTMENT: See Full Boundary Adjustment and Simple Boundary Adjustment.~~The relocation of a lot line between two (2) adjoining lots with the consent of the owners of record and which does not create a new lot.~~

LOT LINE, FRONT: A lot line separating a lot from an existing street or, where a new street is proposed, the proposed street right of way line as shown on the master street plan. For an interior lot, the lot line adjoining the street; for a double frontage lot, a lot line adjoining one of the streets as elected by the city.

LOT LINE, REAR: The lot line generally opposite and most distant from the front lot line, except in the case of a triangular or gore shaped lot, a "constructive" line ten feet (10') in length within the lot, parallel to the front lot line which intercepts the side lot lines at points most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or rear lot line. A side lot line separating one lot from another is an interior side lot line.

LOT, NONCONFORMING: A lot that:

A. Legally existed before its current zoning designation;

B. Has been shown continuously in the records of the county recorder as an independent parcel since its creation; and

C. Because of subsequent zoning changes, it does not conform with the lot size or other dimensional or property development standards applicable in the zone where the lot is located.

LOT WIDTH: The distance between side lot lines, measured at the required front yard setback line parallel to the road right-of-way as required by the zone in which the lot is located.

MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

MANUFACTURED AND MOBILE HOME PARK: A lot (or contiguous lots) under one ownership designed and planned to accommodate the placement of manufactured or mobile homes on leased or rented "pads".

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), in one or more sections, which:

A. In the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site, is four hundred (400) or more square feet;

B. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

C. Includes plumbing, heating, air conditioning, and electrical systems; and

D. Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MANUFACTURING, GENERAL: An establishment engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and/or distribution of such products, but excluding basic industrial processing and manufacturing activities.

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

A. Have no noise, odor, vibration, or other impacts discernible outside a building, and

B. Do not violate any applicable noise ordinance.

MANURE: Animal excreta, feces, urine, and/or bedding material.

MASONRY: Stone, brick, dyed block or split faced concrete block.

MASTER STREET PLAN: A map adopted by the city council as an element of the general plan showing existing and the general location and alignment of proposed public streets and which has not been recorded in the county recorder's office.

MEDIA SERVICE: An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film or sound recording studios.

MEDICAL OR DENTAL LABORATORY: An establishment that conducts basic medical or dental research and analysis, but excluding a facility providing any type of in house patient services typically provided by hospitals and clinics.

MEDICAL SERVICE: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical or dental laboratories.

MINERAL EXTRACTION: Removal of sand, gravel, dirt, or other materials by grading or excavating.

MOBILE HOME: A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code).

MOBILE HOME PARK: See definition of Manufactured and Mobile Home Park.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size within the County.

MODULAR HOME: A dwelling unit designed for long term occupancy built on a permanent foundation from component elements manufactured off-site in accordance with the construction standards adopted pursuant to Ssection 58-56-4 of ~~the~~ Utah State cCode (as amended)and transported to the building site.

MONUMENT, PERMANENT: A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of this ~~t~~Title.

MORTUARY: See definition of Funeral Home.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.

MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.

MUNICIPAL UTILITY EASEMENT: An easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, stormwater; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or is described in §10-9a-529 of Utah State Code (as amended) by a specified public utility.

NATURAL FEATURES: Nonmanmade land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

NATURAL RESOURCE AMENITY: Any area considered to be a valuable natural resource, such as waterways, water bodies, vegetation, wildlife habitat, topographic or geologic features, or any area which has been officially designated a natural resource amenity. See also sensitive land.

NATURAL STATE: Land which has not been subjected to grading, removal of vegetation or development.

NATURAL WATERWAY: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels.

NONCOMPLYING STRUCTURE: See definition of Structure, Noncomplying.

NONCONFORMING LOT: See definition of Lot, Nonconforming.

NONCONFORMING USE: See definition of Use, Nonconforming.

NONCONFORMITY, OTHER: See definition of Other Nonconformity.

NOTICE: A "Class A" or "Class B" public notice as defined by §63G-30-101 and 102 of Utah State Code (as amended).

OFF-SITE FACILITIES AND UTILITIES: Facilities and utilities installed outside the legally described boundary of a development designed to serve such development.

OFFICE, GENERAL: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

OFFICIAL MAP: A map adopted by the city council as an element of the general plan and recorded in the county recorder's office that:

A. Shows actual and proposed rights of way, centerline alignments, and setbacks for highways and other transportation facilities; and

B. Provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land.

ON-SITE FACILITIES AND UTILITIES: Facilities and utilities installed within the legally described boundary of a development.

OPERATIONS CENTER: A maintenance, repair, or service facility operated by a local, state, or federal government agency.

OTHER NONCONFORMITY: A situation other than a nonconforming lot or use, noncomplying structure that:

A. Legally existed before the current zoning designation of the lot where the nonconformity is located; and

B. Because ~~of~~ subsequent land use ordinance changes do~~es~~ not conform with applicable requirements of this title.

OVERSIZED FACILITIES AND UTILITIES: Facilities and utilities which are designed with added capacity, width, depth, etc., with the express purpose of making service available to other properties outside the legally described perimeter of the subdivision.

OWNER: Any person who alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

OWNER OCCUPANCY: When the owner of record, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

PARCEL: Any real property that is not a lot.

PARK: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities. Excludes areas for motocross, drag racing, shooting and similar activities.

PARK STRIP: The area located between a street right of way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

PARKING BAY: A parking area within a parking lot consisting of one or two (2) rows of parking spaces and the aisle from which motor vehicles may enter and exit parking spaces.

PARKING GARAGE, PUBLIC: A structure, or portion thereof, used for parking and storage of more than four (4) motor vehicles.

PARKING LOT, PUBLIC: A paved, open area other than a street, alley, or driveway, used for temporary parking of more than four (4) motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE: An area designated within a building, parking lot, or other parking area for the parking or storage of one motor vehicle.

PARKING, TANDEM: A secondary parking space located directly to the rear of a primary parking space, and which when occupied, restricts access to the primary parking space.

PAWNSHOP: Any person or establishment engaged in any of the following:

A. Lending money on deposit of personal property.

B. Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor.

C. Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property.

D. Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property.

PERIMETER BUILDING PAD: A separate building location, usually along the street frontage, developed or designated in connection with a larger commercial site.

PERMITTED USE: A use of land allowed within a particular zone without the necessity of obtaining a conditional use permit.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee or similar representative of any of the foregoing.

PERSONAL CARE SERVICE: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, custom tailoring and seamstress shops, electrolysis studios, licensed massage therapists, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers, but excludes tattoo establishments.

PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, martial arts training, and swimming clubs.

PHYSICAL OR MENTAL IMPAIRMENT:

A. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense

organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

B. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

PLANNED CENTER: A development comprisingcomprised of a variety of uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion.

PLANNING COMMISSION: The planning commission of Honeyville City, Utah.

PLAT: A map or other graphical depiction of land showing thereon the division of a tract of land. An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepared in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

PLAT, FINAL: The final drawing of a subdivision and dedication prepared for filing with the county recorder which complies with applicable provisions of this title, other titles of this code, and the Utah code.

PLAT, PRELIMINARY: A scale drawing showing a proposal to subdivide a tract of land.

PLOT PLAN: A schematic scaled drawing of a building lot or a development which:

A. Is less detailed than a site plan, and

B. Indicates, as may be required by this title, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

POLLUTION SOURCE: The point of pollution source discharges of contaminants to ground water or potential discharge of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" such as storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, gravel pits, open dumps, landfilling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations.

PORTABLE STORAGE CONTAINER: A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, conex boxes, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise

POST OFFICE: A facility or structure owned or leased by the U.S. postal service and used for collecting, sorting or distributing mail within one or more zip code areas, or providing limited retail services for the general public, such as the sale of stamps, postcards, postal insurance, and related items.

POTENTIAL CONTAMINATION SOURCES: Any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

POTENTIAL GEOLOGIC HAZARD AREA: An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist

but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. See also sensitive lands.

PRINTING AND COPYING, LIMITED: A business establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

PRINTING, GENERAL: The production of books, magazines, newspapers and other printed matter, as well as publishing, engraving and photoengraving, but excluding printing and copying, limited.

PRODUCE STAND: A booth, stall or other area located on agricultural property where produce is sold to the general public.

PROTECTION STRIP: A strip of land between the boundary of a development and a street within the development used to control access to a public street by a property owner abutting the development.

PROTECTIVE HOUSING: A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to:

A. Abused or neglected children awaiting placement in foster care;

B. Pregnant or parenting teens;

C. Victims of sexual abuse; or

D. Victims of domestic abuse.

PROTECTIVE SERVICE: A facility providing public safety and emergency services, including fire and police protection services, emergency medical and ambulance services, and towing services. Towing services means a company licensed with the State of Utah to provide towing services and also has a contract with a local law enforcement agency to provide the towing and temporary storage of vehicles that have been towed, carried, hauled or pushed from public or private property for impoundment in a public or private impound yard. This use does not include vehicle rental or sale of new or used vehicles, vehicle and equipment repair, automobile wrecking yard, junk or salvage yard, or a freight terminal.

PUBLIC: That which is under the ownership or control of the United States government, Utah state or any subdivision thereof, Box Elder County, or Honeyville City (or any departments or agencies thereof).

PUBLIC ENTRANCE: An entrance to a building or premises customarily used or intended for use by the general public but excluding fire exits, special employee entrances, and loading dock entrances not generally used by the public.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting required to be open to the public under the open and public meetings act, ~~title~~ §52-~~4, chapter 4~~ of ~~the~~ Utah code.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. See section 10-27-6 of this title. As used in this definition:

A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

RECEPTION CENTER: A facility rented for private social gatherings.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with ~~section~~§10-9A-603 and §-17-23-17 of ~~the~~ Utah State Code (as amended).

RECREATION FACILITY, INDOOR: An establishment offering recreation, entertainment or games of skill to the general public that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, and amusement rides.

RECREATION FACILITY, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides.

RECREATIONAL VEHICLE: A vehicular unit designed as a temporary human habitation for travel, recreation, and vacation use that is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, truck camper, or ~~motor home~~motorhome.

RECREATIONAL VEHICLE LOT: A plot of ground within a recreational vehicle park designed for the accommodation of one recreational vehicle.

RECREATIONAL VEHICLE PARK: Any site, tract, or parcel of land on which facilities have been developed to provide temporary living quarters for two (2) or more recreational vehicles.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the Sstate of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, counseling, or educational services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. See section 10-27-7 of this title.

REMAINDER PARCEL: A parcel that is created as the result of the recording of a Final Subdivision Plat, which results in a parcel that has not been approved for development.

REMNANT PARCEL: see Remainder Parcel

REPAIR SERVICE: An establishment primarily engaged in providing repair services, but excluding vehicle and equipment repair. Typical uses include appliance repair shops, computer and other electronic equipment repair, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

RESEARCH SERVICE: An establishment engaged in industrial, medical, or scientific inquiries.

RESIDENCE: A dwelling unit where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A single-family or multiple-family dwelling unit that meets the requirements of ~~section~~ §10-9a-103(39) of ~~the~~ Utah State cCode or its successor.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one (1) person with a disability resides and is licensed or certified by:

A. The Utah department of human services under title 62A, chapter 2 of the Utah code (licensure of programs and facilities), or

B. The Utah department of health under title 26, chapter 21 of the Utah code (health care facility licensing and inspection act).

RESTAURANT, FAST FOOD: An establishment that sells ready to eat food and beverages quickly and which has one or more of the following characteristics:

A. Food and beverage orders are not taken at the customer's table;

B. Food and beverages are generally served in disposable wrapping or containers; or

C. Food and beverages are offered directly to the customer in a motor vehicle from a "drive-up" service window.

RESTAURANT, GENERAL: An establishment that derives not less than fifty percent (50%) of its gross receipts from the sale of food and beverages for consumption on the premises and which has one or more of the following characteristics:

A. Food and beverage orders are taken at the customer's table from an individually provided menu;

B. Food and beverages are served in nondisposable containers by a restaurant employee at the same table or counter where said items are consumed;

C. Food and beverages are generally self-served in nondisposable containers and consumed on the premises; or

D. A restaurant having some characteristics of a fast-food restaurant, other than drive-up service, which is located exclusively within a shopping center, shares common parking facilities with other businesses within the center, and has access to a common interior pedestrian accessway.

RETAIL, GENERAL: An establishment that rents or sells goods to the public, but excluding uses specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

RETAIL TOBACCO SPECIALTY BUSINESS: As defined in Utah State Code

REVIEW CYCLE: As further described and defined in Section 11-4-4:

A. The applicant(s) submittal of a complete subdivision land use application
B. The City's review of that complete subdivision land use application;
C. The City's response to a complete subdivision land use application in accordance with §10-9a of Utah State Code (as amended); and
D. The applicant(s) reply to the City's response that addresses each of the City's required modifications or requests for additional information.

ROOFLINE: The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

SANITARY LANDFILL: A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

SANITARY SEWER AUTHORITY: The Bear River health department.

SCHOOL, CHARTER: See definition of Charter School.

SCHOOL, ELEMENTARY, MIDDLE, OR HIGH: Any building or group of buildings or premises approved by the state of Utah for public or private elementary or secondary instruction.

SCHOOL, VOCATIONAL: An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

SECONDHAND STORE: A retail establishment that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

SENIOR CENTER: A facility sponsored or administered by a public or private entity which provides residences or other services for senior citizens.

SENSITIVE LAND: Any land area whose destruction or disturbance could affect the health, safety, or welfare of city residents, including wetlands, steep slopes, floodplains, and unstable soils.

SEPTIC TANK/DRAIN FIELD SYSTEMS: A sanitary sewer system comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal.

SEWAGE FACILITIES: Sanitary sewage collection systems, sewage treatment plants or approved individual sewage disposal facilities as may be permitted by local and state health department regulations.

SEXUALLY ORIENTED BUSINESS: As defined in §10-8-41.5 of Utah State Code (as amended).~~See chapter 28 of this title.~~

SHOPPING CENTER: A group of three (3) or more commercial establishments that is planned, developed, and managed as a unit with common areas for off street parking and landscaping provided on the property.

SHORT TERM RENTAL: A residential dwelling unit or any portion of a residential dwelling unit that the owner of record or the lessee of the residential dwelling unit offers for occupancy for fewer than thirty (30) consecutive days.

SIGN: Any object, device, display, or structure, or a part thereof, which uses words, letters, figures, designs, symbols, fixtures, colors, illumination, or a projected image to visually convey a commercial and/or noncommercial message for the purpose of identifying, directing, attracting attention, or making known the subject thereof.

SIGN ALTERATION: Changing or rearranging any structural part, sign face, enclosure, lighting, coloring, copy (except on changeable copy signs), graphics, component, or location of a sign.

SIGN, ANIMATED: A sign with parts or sections which revolve or move or which has flashing or intermittent lights, including an electronic message sign.

SIGN AREA: The portion of a sign used for display purposes as provided in chapter 21 of this title.

SIGN, BANNER: A sign made of fabric, plastic, or other light pliable material.

SIGN, BILLBOARD: A freestanding sign that identifies or communicates a commercial or noncommercial message regarding an activity, service, product, or matter that is not conducted on or related to the lot where the sign is located.

SIGN, CHANGEABLE COPY: A sign on which text or copy is changed manually or electronically, but not including poster panels or painted bulletins.

SIGN CLEARANCE: The height of the lower edge of the face of a sign from the finished grade.

SIGN, CONFORMING: A sign which meets all applicable provisions of this title.

SIGN, DOUBLE FACED: A sign where the faces are mounted back-to-back and which has an interior angle between the two (2) faces of thirty degrees (30°) or less.

SIGN, ELECTRONIC MESSAGE: A display consisting of an array of light sources, panels or disks which are electronically activated.

SIGN FACE: The surface of a sign upon, against or through which a message is displayed or illustrated.

SIGN, FREESTANDING: A sign which is supported by a fixed permanent frame or support mounted in the ground with the sign portion elevated at least ten feet (10') above the ground.

SIGN HEIGHT: The vertical distance measured from the elevation of the nearest top back of curb, or, if there is no curb within twenty-five feet (25'), from the lowest point of the finished grade on the lot where a sign is located and within twenty-five feet (25') of the sign, to the uppermost point on the sign or the sign structure.

SIGN, ILLUMINATED OR LIGHTED: A sign equipped with artificial lighting devices for the purpose of improving the sign's visibility.

SIGN, LOW PROFILE: A sign mounted directly, or in close proximity, to the ground, and not over seven feet (7') in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.

SIGN MAINTENANCE: The replacing, repairing, or repainting of a portion of a sign structure, periodic changing of bulletin board panels, or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident.

SIGN, NONCONFORMING: A sign or sign structure which lawfully existed at the time an applicable zoning or other ordinance became effective but which does not presently conform to all the requirements of this title.

SIGN, OFF PREMISES: Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered elsewhere than on the same lot upon which the sign is located.

SIGN, ON PREMISES: A sign located on the lot which it serves.

SIGN, POLE: See definition of Sign, Freestanding.

SIGN, PORTABLE: A sign, with or without changeable copy, intended for temporary use which is not permanently affixed to the ground or a structure such as an A-frame, poster, banner, or similar sign.

SIGN, PROJECTING: A sign attached to a building or extending in whole or in part fifteen inches (15") or more horizontally beyond the surface of the building to which the sign is attached.

SIGN, PROMOTIONAL: A temporary attention getting device such as banners, streamers, flags, balloons, pennants, and inflated signs.

SIGN, ROOF: A sign that projects over a roof and is wholly or partly supported by the roof.

SIGN SEPARATION: The horizontal distance between two (2) or more signs without regard to property lines.

SIGN SETBACK: The horizontal distance between a property line and the closest edge of a sign structure.

SIGN, TEMPORARY: A sign intended to be displayed for a temporary period of time.

SIGN, WALL: A sign displayed upon or against the wall of a building, where the exposed face of the sign is parallel to the wall and extends not more than fifteen inches (15") horizontally from the face of the wall.

SIMPLE BOUNDARY ADJUSTMENT: As defined in §10-9a-103 of Utah State Code (as amended)

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates, as may be required by this title, the placement and location of yards, property lines, adjacent parcels, utilities, topography,

waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

STABLE, PRIVATE: A detached accessory building for the keeping of horses, the majority of which are owned by the occupants of the premises.

STABLE, PUBLIC: A commercial establishment that boards, breeds, trains, raises, or rents horses for riding or other equestrian activities.

START OF CONSTRUCTION: The issuance date of a building permit, provided that construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Begins" does not include:

A. Land preparation, such as clearing, grading and filling;

B. Installation of streets and/or walkways;

C. Excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or

D. Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE ENGINEER'S INVENTORY OF CANALS: The state engineer's inventory of water conveyance systems established in state law.

STORAGE CONTAINER – See PORTABLE STORAGE CONTAINER

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: Public street or public road(way) means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public street, public viaduct, public tunnel, or public bridge; dedicated to the City by subdivision plat or road dedication plat or existing right-of-way dedicated from UDOT or County to City, or as shown on the original town plat.~~A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way~~.

STREET, COLLECTOR: A street, existing or proposed, which is the main means of access to the major street system, and shall have a right of way equal to that shown on the master street plan.

STREET, CUL-DE-SAC: A minor terminal street provided with a turnaround.

STREET, MAJOR: A street which serves or is intended to serve as a major trafficway and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term identifying those streets comprising the basic structure of the master street plan.

STREET, MINOR: A street which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood, and shall have a right of way equal to that shown on the master street plan or, sixty feet (60') if not defined on a master street plan.

STREET, PRIVATE: Private right-of-way dedicated to individuals or entities by subdivision plat or road dedication plat as a private right-of-way, private street, or private road(way) for the purposes of ingress and egress to, generally, multiple parcels of land; not owned or maintained by the City or other

governmental agency; with road improvements meeting the Honeyville City construction standards (current adopted version at the time of dedication). ~~A right of way at least fifty feet (50') in width within a development reserved by dedication for private access to lots within a development and not publicly accepted or maintained.~~

STREET, PUBLIC: See definition of Street.

STREET, STUB: A street extending from within the subdivision to the boundary thereof and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit access to adjacent parcels of land.

STREET WIDTH: ~~The distance back-to-back of curb or curb-gutter, or on a street where gutter or curb-gutter does not exist, t~~The width of the street ~~pavement~~right of way.

STRUCTURAL ALTERATION: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE: ~~Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground or attached to something having a location on the ground~~. Anything constructed, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground,; includes BUILDING.

STRUCTURE, NONCOMPLYING: A structure that:

A. Legally existed before its current zoning designation; and

B. Because of subsequent land use ordinance changes, does not conform with the setbacks, height restrictions, or other regulations that govern the use of land.

SUBDIVIDER: Any person who undertakes to create a subdivision.

SUBDIVISION: As defined in §10-9a-103 of Utah State Code, (as amended).~~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.~~

~~A. 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 B of this definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.~~

~~B. Subdivision does not include:~~

~~1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable provision of this title.~~

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

~~a. No new lot is created; and~~

~~b. The adjustment does not violate an applicable provision of this title.~~

~~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 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 provision of this title.~~

~~5. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided as to the unsubdivided parcel of property.~~

SUBDIVISION AMENDMENT: As defined in §10-9a-103 of Utah State Code (as amended)

SUBDIVISION IMPROVEMENT PLANS: : As defined in §10-9a-604.2 of Utah State Code (as amended)

SUBDIVISION ORDINANCE REVIEW: As defined in §10-9a-604.2 of Utah State Code (as amended)

SUBDIVISION PLAN REVIEW: As defined in §10-9a-604.2 of Utah State Code (as amended)

SUBSTANTIAL ACTION: Action taken in good faith to exercise development rights authorized pursuant to a development approval given under the authority of this title.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a building or structure, the total cost of which equals or exceeds, or, if before completion, is estimated to equal or exceed, fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement includes the first alteration of any wall, ceiling, floor, or other structural part of the building or structure.

SUSPECT SOIL: As defined in §10-9a-103 of Utah State Code (as amended)

TANDEM PARKING: See definition of Parking, Tandem.

TATTOO ESTABLISHMENT: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice.

TAVERN: An establishment licensed by the Utah alcoholic beverage control commission for serving liquor by the drink to the general public.

TEMPORARY DWELLING: See definition of Dwelling, Temporary.

TEMPORARY TRAILER: A temporary trailer or structure utilized solely by a builder during construction of a project for purposes incidental to the construction work on the property.

THERAPEUTIC SCHOOL: As defined in §10-9a-103 of Utah State Code (as amended)

TOTAL HEIGHT: The distance measured from ground level to the blade extended at its highest point (tower and turbine combined).

TOWER: The supporting structure on which the turbine and accessory equipment are mounted.

TRANSITIONAL HOUSING FACILITY: A facility owned, operated or contracted by a governmental entity, or a charitable, nonprofit organization, where, for no compensation, temporary housing is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a homeless shelter.

TRANSPORTATION SERVICE: An establishment that moves people or goods and services. Typical uses include taxicab service, passenger autos for rent with drivers, ambulance service, and parcel delivery service.

TRANSPORTATION TERMINAL: A building or premises for the transient housing or parking of vehicles and for the pick-up and discharge fare paying passengers. Accessory uses may include ticket offices, luggage checking facilities, and similar uses.

TURBINE: That portion of the wind system which includes the blades, generator and tail.

UNDERGROUND FACILITY: As defined in §54-8a-2 of Utah State Code (as amended)

USE, ACCESSORY: A subordinate use customarily incidental to a permitted or conditional use and located on the same lot as such use.

USE, CONDITIONAL: A main use that, because of its unique characteristics or potential impact on the city, 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.

USE, ILLEGAL: A use that is not allowed where located as a permitted use, conditional use, accessory use, or nonconforming use.

USE, INCOMPATIBLE: A use which is different in activity, intensity, or utilization which is or will be in conflict with uses on adjoining lots.

USE, LAND: The purpose or activity for which land, a lot, or building or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE, MAIN: The primary purpose for which a lot or structure is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this title.

USE, NONCONFORMING: A use of land that:

A. Legally existed before the current zoning designation of the land where the use is located;

B. Has been maintained continuously since the time the zoning designation governing the land changed; and

C. Because of subsequent zoning changes, does not conform with the zoning regulations that now govern the use of the land.

USE, PERMITTED: A main use of a building, structure, or land allowed in one or more of the respective zones set forth in this title and which may be lawfully established provided it conforms with applicable provisions of this title.

USE, TEMPORARY: A use not allowed as a permitted, conditional or accessory use where located and which is established for a limited time with the intent to discontinue the use upon expiration of the time period authorized by a temporary use permit.

UTILITY, MAJOR: A facility, other than collection or distribution lines or supporting structures thereto, of any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. Excludes corporate or general offices, storage or service buildings or yards, gas or oil processing, manufacturing or storage facilities or postal facilities, or other uses defined in this section. Typical uses include commercial radio, television and microwave communication towers, electric generation plants or substations, railroad switching yards, reservoirs, sanitary landfills and water and wastewater treatment plants.

UTILITY, MINOR: A facility of any agency under public franchise or ownership to provide services deemed necessary to support development which involve only minor structures, such as poles and lines, but not including utility substations.

UTILITY SUBSTATION, PUBLIC: Any aboveground device of a water, irrigation, sewer, natural gas, electrical, telecommunications (including, but not limited to, radio, telephone and cellular telephone), cable television, or other public or private utility system intended to regulate the function of a utility line or which receives or transmits a signal. Excluded from this definition are:

A. Conventional utility poles, features or equipment to be placed on such a pole, light poles;

B. Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located; and

C. Features or equipment with maximum horizontal and vertical dimensions of three feet (3').

VARIANCE: A waiver or modification granted by the ~~board of adjustment~~hearing officer to a height, bulk, area, width, setback, separation, or other numerical or quantitative requirement of this title as permitted by this title.

VEHICLE: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one place to another.

VEHICLE AND EQUIPMENT RENTAL OR SALE: An establishment engaged in the sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental and farm equipment and machinery sales and rental.

VEHICLE AND EQUIPMENT REPAIR, GENERAL: An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair and paint and body shops.

VEHICLE REPAIR, LIMITED: An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

VETERINARY SERVICE: An establishment providing medical care and treatment for large and small animals, which may include accessory grooming or boarding services. Veterinary service does not include an animal hospital.

VICINITY PLAN: A drawing showing the relationship of proposed real property development to adjoining property.

VIOLATION: The act of disregarding, disobeying, neglecting, omitting or refusing to comply with the requirements or enforcement of this title.

WAREHOUSE, SELF-SERVICE STORAGE: An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.

WATER, CULINARY: Water that is fit for human consumption and meets the quality standards of Utah Administrative Rule R309-200. Also known as drinking water or potable water.

WATER FACILITIES: Culinary water facilities that include water, water supply, springs, wells, transmission and distribution pipelines, service laterals, pumps, valves, fittings, reservoirs, fire hydrants, and all appurtenant facilities necessary to provide and deliver an adequate quantity of an approved quality of water to a lot. An "adequate quantity of water" means:

A. For a lot not served by a secondary water system, culinary water furnished at three and four-tenths (3.4) gallons per minute of water at forty (40) psi minimum to a dwelling unit located on a lot or each ten thousand (10,000) square feet of lot area.

B. For a lot with a secondary water source, culinary water furnished at one and seven-tenths (1.7) gallons per minute of water at forty (40) psi minimum to a dwelling unit located on a lot.

C. For fire suppression purposes, culinary water furnished at one thousand (1,000) gallons per minute for two (2) hours, with a residual pressure of no less than twenty (20) psi, from each of two (2) fire hydrants located not more than five hundred feet (500') from a dwelling unit.

WATER INTEREST: Any right to the beneficial use of water including each of the rights listed in §73-1-11 of Utah State Code (as amended) and an ownership interest in the right to the beneficial use of water represented by a contract or a share in a water company as defined in §73-3-3.5 of Utah State Code (as amended).

WATER, IRRIGATION: Untreated, unfiltered water that is used for the irrigation of lawns, outdoor landscapes, and gardens, and agricultural and industrial use. Typically canal water delivered via gravity.

WATER, SECONDARY: Untreated, non-potable water that is used for the irrigation of lawns, outdoor landscapes, and gardens. Typically delivered via a pressurized distribution system.

WATER FACILITIES: The combination of Culinary Water Facilities, Irrigation Water Facilities, and Secondary Water Facilities.

WATER FACILITIES, CULINARY: Facilities that include water, water supply, springs, wells, transmission and distribution pipelines, service laterals, pumps, valves, fittings, reservoirs, fire hydrants, and all appurtenant facilities necessary to provide and deliver culinary water.

WATER FACILITIES, IRRIGATION: Facilities that include water, water supply, springs, wells, canals, ditches, flumes, pipes, pumps, gates, turnouts, reservoirs, and all appurtenant facilities necessary to provide and deliver irrigation water; does not include federal water project facilities.

WATER FACILITIES, SECONDARY: Facilities that include water, water supply, springs, wells, transmission and distribution pipelines, service laterals, pumps, valves, fittings, reservoirs, and all appurtenant facilities necessary to provide and deliver secondary water.

WATER FACILITIES, STORM: Facilities that include ditches, pipes, inlets, manholes, basins, and all appurtenant facilities necessary to control stormwater.

WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

WHOLESALE AND WAREHOUSING, GENERAL: An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.

WHOLESALE AND WAREHOUSING, LIMITED: An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be under fifty thousand (50,000) square feet in area and operate during conventional business hours.

WIND ENERGY SYSTEM, COMMERCIAL. COMMERCIAL WIND ENERGY SYSTEM: A wind energy conversion system consisting of one or more wind turbine(s) and tower(s), with associated control or conversion electronics which will be used for on-site and/or off-site consumption of power with a rated capacity in excess of one hundred kW.

WIND ENERGY SYSTEM, SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics with a rated capacity appropriate to the on-site electric usage of the end use and which will be used primarily to reduce on-site consumption of utility power (limited to one per lot or parcel, or up to four on agricultural properties with twenty acres or more-systems with multiple towers may cluster towers/facilities together). A small wind energy system shall not exceed a rated capacity of one hundred kW.

WIND MONITORING TOWER AND EQUIPMENT (met tower): A temporary tower housing or supporting wind measuring equipment such as an anemometer for the purpose of establishing the viability of ~~windgenerated~~ wind generated energy by measuring and monitoring wind velocity, duration, intensity, regularity, etc.

WIRELESS TELECOMMUNICATIONS FACILITY: An unmanned structure consisting of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions as provided in title 47, United States Code, section 332(c)(7)(C), as amended.

YARD: An open space located between a front, rear, or side building line and an adjoining lot line which is unoccupied and unobstructed from the ground upwards by any portion of a building or structure, except as specifically provided in this title.

YARD DEPTH: The least horizontal distance between a lot line and a building line.

YARD, FRONT: A space on the same lot extending across the full width of the lot between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this title between the front lot line and the front building line.

YARD, REAR: A space on the same lot extending across the full width of the lot between the rear building line and rear lot line. The depth of the rear yard is the minimum distance required by this title between the rear lot line and rear building line.

YARD, SIDE: A space on the same lot extending from the front building line to the rear building line between the side building line and the side lot line. The width of a side yard is the minimum distance required by this title between the side building line and the side lot line.

ZONE: An area of the incorporated territory of the city as shown on the official zoning map which has been given a designation which regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land all as set forth in this title.

ZONING ADMINISTRATOR: The person charged with principal responsibility for interpreting and applying the provisions of this title.

ZONING MAP AMENDMENT: A land use request that seeks to change the zoning designation of land within the City. The City Council is the land use authority for zoning map amendments, which involve a discretionary legislative decision after a recommendation by the Planning Commission.

ZONING TEXT AMENDMENT: A land use request that seeks to change the text within the City's Land Use Ordinance. The City Council is the land use authority for zoning text amendments, which involve a discretionary legislative decision after a recommendation by the Planning Commission.

11-3-2: Land use authority

A. The Land Use Authority for preliminary subdivision applications is the Planning Commission. For purposes of subdivision applications, the Planning Commission shall be ultimately responsible for the following, but may delegate any task to the City Engineer, City Staff, Zoning Administrator, or members of the Planning Commission:

1. Rendering land use decisions related to preliminary applications under this Chapter, including approving or denying preliminary applications.
2. Reviewing all preliminary applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter. This task is delegated to the Zoning Administrator by default.
3. Scheduling and holding a pre-application meeting with potential applicants as required by this Chapter. This task is delegated to the Zoning Administrator by default.
4. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to City Staff by default.

B. The Land Use Authority for final subdivision applications is the Development Review Committee (DRC). ~~The DRC shall comprise one member of the Planning Commission, the Zoning Administrator, the Public Works Director, and the City Engineer; t~~The DRC shall meet on an as-needed basis and shall act upon the agreement of at least three members. The City Attorney and City Engineer may participate in DRC meetings or advise the DRC on an as-needed basis. For purposes of subdivision applications, the DRC shall be responsible for the following, but may delegate any task to the City Engineer, City Staff, or members of the DRC:

1. Rendering land use decisions related to final applications under this Chapter, including approving or denying final applications.
2. Reviewing all final applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
3. Providing feedback to applicants on their final applications in the manner required by this Chapter.
4. Providing notice to entities and parties as required by this Chapter.
5. Signing final application approvals as required by this Chapter.
6. Ensuring that documents are properly recorded with the County as required by this Chapter.

C. As subdivision application decisions are administrative, not legislative, the Land Use Authority is authorized to make any land use decision described by this Chapter without City Council approval.

D. Except when operating as the Appeal Authority, or amending a subdivision, the City Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

(Adopted by Ord. 2025-01 on 6/19/2025)

4-9 DISCHARGE OF FIREARMS WITHIN HONEYVILLE CITY

4-9-1 RESIDENTIAL, COMMERCIAL, INDUSTRIAL ZONES

It shall be unlawful for any person to discharge any firearm within Residential, Commercial, or Industrial Zones within the City limits of Honeyville City, except in the following situations: necessary self-defense; by any peace officer in the discharge of his or her duties; or after having obtained prior written approval from the property owner and Honeyville City Council.

4-9-2 HUNTING

Hunting will be allowed in Agricultural zones, pursuant to Utah Code 76-10-508 (as amended) under the following conditions:

1. Landowner may hunt on his/her own property.
2. Hunters must have written permission from the landowner and carry it on their person while hunting on private property.

Effective 7/1/2023
Renumbered 5/7/2025
76-10-508 Discharge of firearm from a vehicle, near a highway, or in direction of specified items -- Penalties.

(1)
(a) An individual may not discharge a dangerous weapon or firearm:
(i) from an automobile or other vehicle;
(ii) from, upon, or across a highway;
(iii) at a road sign placed upon a highway of the state;
(iv) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;
(v) at railroad equipment or facilities including a sign or signal;
(vi) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or
(vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:
(A) a house, dwelling, or any other building; or
(B) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
(b) It is a defense to any charge for violating this section that the individual being accused had actual permission of the owner or person in charge of the property at the time in question.
(2) A violation of any provision of Subsection (1) is a class B misdemeanor.
(3) In addition to any other penalties, the court shall:
(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
(4) This section does not apply to an individual who:
(a) discharges a firearm when that individual is in lawful defense of self or others;
(b) is performing official duties as provided in Section 23A-5-202 and Subsections 76-10-523(1)(a) through (f) and as otherwise provided by law; or
(c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
(i) the discharge occurs at a firing range or training ground;
(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);
(iii) the discharge is made as practice or training for a lawful purpose;
(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
(v) the discharge is not made in violation of Subsection (1).