

**HARRISVILLE CITY
ORDINANCE NO. 461**

LAND USE GENERAL PROVISIONS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING AND RE-ENACTING CHAPTER 11.01 OF THE LAND USE ORDINANCE REGARDING GENERAL PROVISIONS AND DEFINITIONS; MODIFYING GENERAL PROVISIONS; ADDING AND AMENDING DEFINITIONS; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice the City's Planning Commission held its public hearing on November 14, 2012, to take public comment on the proposed ordinance, and subsequently gave its recommendation to approve this ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and had held a number public meetings on this Ordinance and now desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: Repealer. Chapter 1 is hereby repealed along with any word, sentence, paragraph, or phrase inconsistent with this Ordinance and any reference thereto is hereby vacated.

Section 2: Re-enactment. Chapter 11.01 entitled “General Provisions and Definitions” set forth of Harrisville Zoning Ordinance is hereby amended to read as follows:

Chapter 11.01
GENERAL PROVISIONS AND DEFINITIONS

11.01.010. Title.

This Title shall be known, cited, and referred to as the “Land Use Ordinance of Harrisville City” or more commonly referred to as the “Zoning Ordinance.”

11.01.020. Authority to enact land use ordinances and zoning map.

As authorized by *Utah Code Annotated* §10-9a-501, 1953, as amended, the city council is granted authority to enact land use ordinances and a zoning map consistent with the purposes set forth in Title 10, Chapter 9a of the *Utah Code Annotated*. The city is further authorized to enact ordinances and regulations that conform to other relevant statutory law or case law, as may be appropriate including the exercise of police powers as set forth in *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953 as amended, and provide for the public health, safety, and general welfare.

11.01.030. Purpose and General Land Use Authority.

The purpose of land use ordinances as set forth in various titles in the municipal code is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Harrisville City, to implement the land use policies of the city, and to carry out the purposes set forth in *Utah Code Annotated* §10-9a-102, 1953, as amended.

11.01.040. Interpretation.

The regulations contained in this title shall be interpreted and applied in accordance with the following rules:

1. Minimum requirements. In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.
2. Private agreements and immunity. The provisions of this title are not intended to interfere with, abrogate or require enforcement by the city of any legally enforceable easements, covenants or other agreements between private or other parties that may restrict the use of land or dimensions of structure more than the provisions of this title. Nor do the provisions of this chapter waive any governmental immunity afforded to municipalities under state law.
3. Higher standards. Wherever the provision of statute, local ordinance, or other regulation impose a higher standards than are required by this title, the provisions of such statute, local ordinance, or regulation shall govern.

4. Conflicts. If any of the provisions within this title are in conflict, a particular provision shall prevail over a general provision covering the same subject matter and the more stringent provision shall prevail over the more liberal provision.
5. Definitions. When a definition is provided in this title, that meaning shall prevail unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinance.
6. Interpretation. If in the course of administration hereof, a question arises as to the meaning of any phrase, section or chapter, the interpretation thereof given by the city planning staff shall be construed to be the official interpretation thereof. In the event that there is a need of further interpretation by any person, firm or corporation or official of the city, they shall submit the question to the planning commission who is authorized to interpret this title and such interpretation shall be final, subject to appeal to the appropriate appeal authority prior to any intervention by the courts. When rendering an interpretation:
 - a. A word importing the singular number may be applied to plural persons and things. The use of the plural number shall include any single person or thing.
 - b. The present tense of a word includes the future tense as well.
 - c. The word “shall” is mandatory, the word “may” is permissive.
 - d. The word “year” shall mean any consecutive twelve (12) month period unless otherwise indicated.
 - e. Words not defined by this title, but defined in other codes or regulations shall be construed as defined therein.
 - f. Subject to the interpretation provisions herein, standard rules of statutory construction may be used to assist in rendering an interpretation as to the provisions set forth in this title.

11.01.050. Amendment of land use ordinances.

Any land use ordinance as set forth in the municipal code may be amended as follows, including any general plan element, map, plan, or zoning map:

1. Notice requirements. Notice of public hearings and public meetings on adoption or modification of the land use ordinance shall be made in accordance with *Utah Code Annotated* §10-9a-205, 1953, as amended.
2. Third party notice. The city may provide third party notice on the adoption or amendment of land use ordinances in accordance with *Utah Code Annotated* §10-9a-206, 1953, as amended.
3. Recommendation and adoption. In accordance with *Utah Code Annotated* §§10-9a-302(2) and 10-9a-502, 1953, as amended, any proposed amendment to the land use ordinance shall be approved by the city council only after recommendation by the planning commission. The city council may adopt, reject, or modify the recommendation of the planning commission on any land use amendment.

11.01.050. Territory annexed into the city.

Utah Code Annotated §10-9a-506, 1953, as amended, shall govern all area hereafter annexed into Harrisville City under either the annexation procedure or boundary adjustment procedure established in state law.

11.01.060. Definitions.

The following definitions apply to the entire municipal code, unless stated otherwise, or more specifically defined by another title or chapter. The definitions set forth in *Utah Code Annotated* §10-9a-103, 1953, as amended, are hereby adopted and incorporated herein by this reference. In addition, the following words and terms are defined as part of the land use ordinances as follows:

1. “Abandonment” means to cease or discontinue a use or activity for a period of one (1) year, or other time period that may be established by law, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.
2. “Abutting” means the condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners.
3. “Access” means the place, means, or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property or use.
4. “Accessory building” see “Building, accessory.”
5. “Accessory use” see “Use, accessory.”
6. “Adequate secondary water” means secondary water is necessary for development so that culinary water is not used for irrigation. Recognizing that water is a limited resource, there must be adequate secondary water for each development. The adequacy of secondary water is determined based upon the duty values prescribed by the Utah Division of Water Rights, or the secondary water provider, whichever applies to the specific development being considered for approval. This is in order to account for high and low water years. Planning commission, to assure title to water, may require developer to produce a title report and insurance on validity and adequacy of any water shares.
7. “Adjacent” means nearby, not distant, or having a common endpoint or border.
8. “Agriculture” means the tilling of soil, the raising of crops, horticulture and gardening, but not including keeping or raising of domestic animals or fowl, and not including any agricultural industry uses such as food packing plants or similar uses.
9. “Alley” or “substandard road” means a public or private right-of-way less than sixty feet wide, that affords access to abutting property. Alleys and substandard roads are not permitted as public access unless pre-existing as a road, road by-way-of-use, or private access road. Substandard road also refers to a road that does not conform to the city’s public works standards.
10. “Amendment” means an ordinance that substantively changes text of the municipal code or any addition or deletion or a change in the zone boundaries or classifications of the zoning map or general plan.

11. “Animal” or “household pets” means common household pets only that are capable of being domesticated and kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and similar animals.
12. “Animal care” means a facility where animals or household pets are groomed, clipped, bathed, boarded, or similar non-medical care is provided. See also “Veterinary services.”
13. “Animal shelter” means a public facility designed to temporarily accommodate the boarding and care of lost and stray animals, and/or dispose of stray dogs, cats and other animals.
14. “Annex” means the extension of the municipal incorporated boundaries the city to include an area that was previously classified as unincorporated county.
15. “Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to, amateur radio antennas, television antennas, and satellite receiving dishes.
16. “Appeal” means an action brought under state law or ordinance, according to the procedures thereof, by an aggrieved party before the appropriate authority seeking a redress from a prior decision.
17. “Appeal authority” means a person, board, commission, agency or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
18. “Architectural design” means front, side and rear view drawings of a building or structure, prepared to scale, including all dimensions, architectural details, colors and materials.
19. “Architecturally incompatible” means buildings, structures, or material which are incongruous with adjacent and nearby development due to dissimilarities in style, materials, proportions, size, shape and/or other architectural or site design features.
20. “Architectural design standards” means standards for the aesthetic appearance of a building structure or sign, including design, exterior detail, color and materials.
21. “Art studio” means a building or portion of a building where an artist or photographer creates works of art.
22. “As-built plans” means improvement plans for which all construction or installation has been completed and any deviations in the initially approved improvement plans are shown in a contrasting pattern or pen weight and called out on the plan. A Utah Registered Civil Engineer, upon completion of said improvements, certifies on the drawings, that the contained as-built plans are as the construction and/or installations have been completed. The city engineer may approve any redlined or modified drawings.
23. “Assisted living facility” means a facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living including but not limited to meal preparation, personal grooming,

- housekeeping, and medication. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.
24. “Auditorium” means a multipurpose assembly facility that is designed to accommodate conventions, live performances, trade shows, sports events and other such events.
 25. “Automobile service” means any building or premises used for motor vehicles under 15,000 gross vehicle weight and limited to only lube, oil change, brake, and muffler repair.
 26. “Automobile body work” means any building, structure or premises used for external/non-mechanical repair of motor vehicle under 15,000 gross vehicle weight, including the facilities for the incidental storage of damaged vehicles in connection with the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.
 27. “Automobile repair” means an establishment primarily engaged in the mechanical repair of automobiles, trucks less than 15,000 gross vehicle weight, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, similar repair and service activities within an enclosed mechanical shop structure.
 28. “Automobile sales” means an establishment primarily engaged in the sale or rental of automobiles, trucks under 15,000 gross vehicle weight, motorcycles, motor homes, recreational vehicles of boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer or recreational vehicle dealerships.
 29. “Basement” see the general definition in the *International Building Code*. A basement shall be counted as a story.
 30. “Buffer” means a portion of land together with structures and landscaping required to separate land uses so as to maintain the integrity of the proposed development of land.
 31. “Building” see the general definition in the *International Building Code*.
 32. “Building, accessory” means a detached subordinated building clearly incidental to and located upon the same lot occupied by the main building.
 33. “Building area” means a portion of a lot, parcel, or tract of land remaining after the minimum yard setbacks of the land use ordinance are met.
 34. “Building, attached” means a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.
 35. “Building Code” means the current edition of the applicable buildings codes as adopted by the state or city.
 36. “Building coverage” means that percentage of the lot covered by principal or accessory buildings.
 37. “Building, detached” means a building which is separated from another building or buildings on the same lot.

38. “Building facade” means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
39. “Building footprint” means the area of the primary structure measured from the outside walls (excluding any overhanging portions) which includes indoor uses, such as attached garage, carport, utility room, laundry, etc. (including covered patios and breezeways), which are an integral part of the roof structure of the structure.
40. “Building height” see the general definition in the *International Building Code*.
41. “Building line” means a line dividing a required yard from other portions of a lot.
42. “Building, main” means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot.
43. “Building official” means the person or agency designated and authorized by the city to conduct building inspections and other inspection as may be required by code.
44. “Building permit” means a permit required for erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the municipality, as more fully defined in the applicable building or construction codes enforced by the city.
45. “Building permit fee” means any fee charged in conjunction with the issuance of a building permit in accordance with Title 58 Chapter 56, Utah Uniform Building Standards Act, or any similar code, implemented by the city.
46. “Building, public” means a building owned and operated, or owned and intended to be operated, by a public agency of the United States or state of Utah , or any of their subdivisions.
47. “Building setback” means the minimum distance as prescribed by this title between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.
48. “Business” means any occupation, employment or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.
49. “Business office” means an establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations or other use classifications when the service rendered is that customarily associated with administrative office services.
50. “Business, temporary” any business that conducts or engages in a business within the city for a temporary period as established by the city’s business license regulations. Including but not limited to such uses as fireworks stands, Christmas tree lots, vending carts, and kiosks.

51. “Car wash” means any manual operated or automated structure or portion thereof containing facilities for washing motor vehicles.
52. “Cash advance establishments” means a use set forth in 11.20.210.
53. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
54. “Certificate of occupancy” means authority granted by the building official to occupy or use a building upon satisfying city ordinance and all site plans and building code requirements.
55. “Change of use” means the replacement of an existing use by a new use or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.
56. “Church” includes a religious building, synagogue, or temple and means a non-public building that is a permanently located structure, together with its accessory buildings commonly used for religious worship.
57. “City council” means the governing body or legislative body, as the case may be, of Harrisville City, Utah.
58. “Classroom” means an area of space located within a commercial or residential structure or other structure accessory thereto, excluding nurseries and daycare use, which is utilized in bringing two (2) or more persons together for the purpose of instruction, information, supervision, care, recreation, or other such use. The number of classroom occupants is governed by the minimum egress and access requirements pertaining to classroom as set forth in the adopted edition of the international building code.
59. “Clearing” means the removal and disposal of all obstructions, such as fences, walls, foundations, building and existing structures, and accumulations of rubbish of whatever nature. Also means the substantial removal of trees, shrubs, and other vegetation, subject to a duly approved erosion control plan, giving consideration to weeds and grasses that are considered a potential fire hazard.
60. “Clinic” includes medical, dental, optical, and similar profession offices located in a building where one or more doctors or medical staff conducts examination and treatment of out-patients, excluding the performance of hospital-type surgical procedures.
61. “Club” includes any fraternal lodge, association, or similar organization that meets as part of a non-profit association of persons who are bonafide members who own or lease a building or portion thereof that is typically restricted to members and their guests.
62. “Cluster development” means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for

- recreation, or other approved purposes, for common open space and /or preservation of environmentally sensitive areas.
63. “Commercial use” means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
 64. “Commission” means the planning commission or its successor of Harrisville City.
 65. “Common commercial or manufacturing development” means a complex of commercial or manufacturing buildings, such as a shopping center, strip mall, or industrial park having uniform management or owners with shared access, shared signage, and independent operation.
 66. “Commercial recreation” means recreation facilities that may be indoor or outdoor such as golf courses, stadiums, gun range, skateboarding, water parks, ball fields, ball courts, swimming pools, bowling, skating rinks, gyms, or any similar facilities operated on a commercial or membership basis. The term “commercial recreation” shall also include any accessory uses, such as a snack bar, pro-shop, and locker room, which are designed and intended primarily for the use of patrons of the principal recreational use. The term “commercial recreation” shall not include theaters, cultural facilities, public recreation facilities, massage parlors, or any use which is otherwise listed specifically as permitted or conditional in that zone.
 67. “Common space” means land area within a development owned or dedicated for public use, which is designed and intended for the use as an amenity for the direct benefit of the residents of a development. Common spaces may be either natural or functional as a designed element of a development that has a functionally described and planned benefit. Examples include landscaped areas that provide visual relief, shade, screening, buffering, or another environmental amenity; nature trails; exercise trails and facilities; swimming pools, tennis courts; club houses, pavilions, and golf courses.
 68. “Communications tower” see “telecommunications tower.”
 69. “Community garden” means the exclusive use of a vacant lot for the growing of garden produce for food produced and consumed locally.
 70. “Community Ownership Development” means a commercial or manufacturing development project prepared in accordance with Utah Code, Title 57, Chapter 8, entitled Condominium Ownership Act.
 71. “Compatible” means capable of orderly, efficient integration, and consistency with adjacent developments. A development is compatible with an existing on- or off-site development or property if it’s architectural features, building height and materials, and approved uses intensify such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.
 72. “Conditional use” see “Use, conditional”
 73. “Condominium” means a common commercial or manufacturing development together where each owner has an undivided interest in the common areas and facilities of the property and as defined by state law.

74. “Connection” and “connection fee” means the installation and inspection of any pipe, line, meter, or appurtenance that connects to any water, sewer, storm water, electrical service, or any other utility system and includes the fee imposed for installation and inspection of the same.
75. “Conservation easement” means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.
76. “Construction period” means the time period between when the building permit is obtained and the certificate of occupancy is issued.
77. “Construction sales and service” means an establishment primarily engaged in construction activities and incidental storage on lots other than construction sites. Includes retail or wholesale sales of paint, building material, fixtures, and hardware. Excludes automotive related uses.
78. “Construction standards” means a set of public works standards and technical specifications, including standard drawings, promulgated and updated as needed by the city engineer.
79. “Contiguous” means in actual contact.
80. “Contractors storage yard/office” means a use that provides construction businesses with a base of operations that can include office space and indoor/outdoor storage of construction equipment or materials used by the construction business. This use excludes salvage or recycling operations.
81. “Convenience store” means any retail establishment offering for sale prepackaged food products, household items, and other goods that are commonly associated with the same and may be in conjunction with gasoline sales.
82. “Conversion” means a proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, from single ownership of said parcel (such as an apartment house or multi-family dwelling) into that defined as a condominium project or other ownership arrangement involving separate ownership of individual units combined with joint collective ownership of common areas, facilities or elements.
83. “Corral” means a space, other than a building, less than ten thousand (10,000) square feet in area and less than one hundred feet (100’) in width and used for the confinement of animals.
84. “County” means Weber County, Utah.
85. “Covenants, conditions and restrictions” (commonly called CC&R’s) means written rules, limitations and restrictions on use, mutually agreed to by all owners of homes in a subdivision or condominium complex. CC&R’s may limit the size of homes, exterior colors, pets, ages of residents, etc. They are a private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded. Typically, covenant restrictions are enforced by home owner associations and not local governments.
86. “Crawl space” means a story not fit or approved for human habitation, but serves as a service access with approximately one-half of its height below grade. Such

- space may also be referred to as a “cellar” and shall not be counted as a story for the purpose of height measurement.
87. “Crest of hill” means the highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one crest of hill.
88. “Cul-de-sac” means a minor street provided with a turn-around.
89. “Culinary water authority” means the public agency responsible for culinary water services in the city and approval of the same.
90. “Dairy” means a commercial establishment for the manufacture or processing of dairy products.
91. “Dance studio” means a use engaged in the instruction of dance.
92. “Daycare” means the supervision of children, unaccompanied by parent or guardian, for periods of less than twenty-four 24 hours. The term “daycare” is inclusive of kindergartens, preschools, child care, child daycare, nursery schools and all other similar facilities specializing in the education and/or care of children prior to their first grade, other than facilities owned and/or operated by the public school system.
93. “Daycare, home” means an occupied residence where care, protection, and supervision are provided to no more than eight (8) children at one time, including the care giver’s children less than six (6) years of age.
94. “Decibel” means a logarithmic and dimensionless unit of measure of ten (10) used to describe the amplitude of sound. Decibel is indicatedented as “dB”.
95. “Dedication” means the giving of land by a private person or entity to the government, typically for a street, park, public facility, or school site, as part of and a condition of a real estate development. Acceptance of the dedication by the city council is typically required before any dedication is complete and is deemed accepted by the recording of a approved and duly executed plat.
96. “Density” means the number of dwelling units permitted per net acre of land.
97. “Development” means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.
98. “Developer” a person who is improving a parcel of land and who may or may not be the owner of the property but has been given legal right to do such work on the parcel.
99. “Development activity” means:
- a. Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
 - b. Any change in use of a building or structure that creates additional demand and need for public facilities; or
 - c. Any change in the use of land that creates additional demand and need for public facilities or services.

100. “Development agreement” means a written contract between the city and a developer, which sets forth the respective terms, conditions and obligations pertaining to a development in the city.
101. “Development plan” means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include clustered development and planned commercial development.
102. “Disturbance” means clearing, grubbing, excavation, and/or filling that is related to development, any improvement, or any other type of excavation or movement of earth.
103. “Driveway approach” means an approved access point for egress/ingress to a residential lot for which only one access point is permitted. Exception: circular driveways are allowed with the approval of the land use authority.
104. “ Dwelling” see the definition in the *International Building Code*. The term “dwelling” excludes living space within lodging facilities of any kind.
105. “Dwelling, manufactured home” or “modular home” means a dwelling transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation. A manufactured home dwelling is considered a single-family dwelling for the purpose of this title and is to constructed in accordance with the applicable building code.
106. “Dwelling, multiple-family” means a building or portion thereof used and/or arranged or designed to be occupied by more than one (1) family, including apartments.
107. “Dwelling, single-family” means a detached building containing only one (1) dwelling unit surrounded by yards that is built on site and the building arranged or designed to be occupied exclusively by one (1) family.
108. “Dwelling, two-family” means a building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
109. “Dwelling unit” means a building or portion thereof providing separate and independent living, cooking, sleeping, eating, and sanitation facilities for one (1) family.
110. “Easement” means a specified area on a lot or parcel of land reserved or used for the location of and/or access to, utilities, drainage or other physical access purposes, or for preservation of undisturbed terrain for the benefit of the general public. An easement also includes private rights of way that one-property owner grants to another party to use the grantor’s property for the grantee’s purposes, such as, but not limited to, access to the grantee’s property.
111. “Elevation area” means the area or portion thereof (in square feet) of an architectural elevation of one side of a building.
112. “Emergency medical service facility” means a facility or licensed healthcare provider providing emergency medical or dental or similar examination, diagnosis, treatment and care on an outpatient basis only. An emergency medical service facility shall not provide twenty-four (24) hour service unless it meets all zoning requirements applicable to hospitals.

113. “Erect” means to build, to build upon, to add to, to alter, to construct, to reconstruct, to move upon, or to undertake and other physical operations on the land, which is required for a building or structure.
114. “Evergreen” means a plant having foliage that remains on the plant throughout the year.
115. “Excavation” means the removal of earthen material, resulting in a lowering of the grade at the location to the base of topsoil, or as approved by the city engineer, and consistent with local, state and federal laws.
116. “Existing/established subdivision” means any subdivision for which a plat has been approved by the city and recorded prior to the effective date hereof.
117. “Family” means one or more persons related by blood, marriage or adoption, plus domestic servants employed for services on the premises, or a group of bachelors or bachelorettes, not more than four (4) persons, who need not be related, living together as a single nonprofit housekeeping unit.
118. “Family food production” means the keeping of certain domesticated animals by the occupants of dwellings for owners use and non-commercial purposes.
119. “Fence” means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, which is used as a boundary or means of protection or confinement.
120. “Filling” means the dumping or depositing of earthen material resulting in the raising of the grade at that location.
121. “Financial institution” means a building, property or activity, the principal use or purpose of which is the provision of financial services, including, but not limited to banks, automated teller machines, credit unions, savings and loan institutions, stock brokerages, and mortgage companies. Such facilities may or may not have a drive through window.
122. “Fire authority” means the district, agency, or public entity responsible to provide fire services or to enforce, review, or approve fire protection relating to any development or property.
123. “Flood plain” means land that is within the 100- year flood plain designed 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 100-year flood plain designated by FEMA.
124. “Floor area, gross” means the sum of the areas of the several floors of a building, including areas used for human occupancy in basement, attics and penthouses as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

125. “Frontage” means all the property fronting one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, dead-end street, or political subdivision boundary, measured along the street line. The end of a stub street shall not be construed to be frontage on a street. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
126. “Front lot line” means the property line of the lot toward which the front line of the main building faces or may face, and which abuts a public dedicated street, a right-of-way approved by the board of adjustment, or a street made public by right of use.
127. “Furniture store” an establishment primarily engaged in the retail sale of furniture and furniture accessories. Typical uses include establishments providing the following products; furniture, floor coverings (including carpet), draperies, curtains, upholstery, china, glassware, metalware, and fireplace screens and accessories.
128. “Garage” means a building or portion thereof, used to store or keep a motor vehicle.
129. “Garage, attached” means an accessory building which has a roof or wall of which fifty percent (50%) or more is attached and in common with a dwelling. Where the accessory building is attached to a dwelling in this manner, it shall be considered part of the dwelling and shall be subject to all yard requirements of the main building.
130. “Garage, private” means 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, and in which no business (commercial, service, or manufacturing) is carried on (unless allowed as a home occupation). On a lot occupied by a multiple-dwelling, the private garage may be designed and used for the storage of one and one-half (1 ½) times as many automobiles as there are dwelling units in the multiple-dwelling.
131. “Garage sale” or “yard sale” means an occasional small scale sale of personal property held by occupants of the property in a residential zone to sell used personal property which the owner(s) or occupant(s) formerly used.
132. “Garbage” means any non-hazardous, non-medical solid waste.
133. “Gazebo” means a detached unenclosed free standing structure used for aesthetic and landscaping purpose.
134. “General plan” means the document along with various elements and maps governing future development within the city.
135. “Geologic hazard” means a surface fault rupture, shallow groundwater, aquifer, liquefaction, a landslide, a debris flow, unstable soil of any kind, a rock fall, flood prone area, or any other geologic condition that presents a risk to life, a structure, or damage to real property.
136. “Geologic hazard area” or “potential geological hazard area” means an area that is designated by the city engineer or other relevant map or report a geological

- hazard or potential for geologic hazard, including any area shown on the city's Sensitive Lands Overlay Map.
137. "Glare" means a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.
 138. "Golf course" means a parcel or portion of a parcel of land used for the playing of golf, including driving ranges, club house, and all uses incidental to the principal use, but not including miniature golf.
 139. "Governing body" means Harrisville City Council.
 140. "Grade, finish" means final elevation of the ground surface and/or ground floor conforming to the city approved grading plan(s).
 141. "Grade, natural" means elevation of the natural or undisturbed ground surface prior to any grading operation. If "natural grade" can no longer be determined, then the grade elevation existing as shown on the most recent topographical map of the municipality. If a parcel of land is not shown on the topographical map, "natural grade" shall be as shown on a topographical map that is acceptable to the city engineer.
 142. "Grading" means the process of changing gradients of land by contouring, smoothing or otherwise shaping land areas by excavating or filling, or a combination thereof.
 143. "Greenhouse" a structure where vegetative plants are raised for experimental purposes, or transplanting, or for sale.
 144. "Grocery store" means a store for the retail sales of food and household goods.
 145. "Ground cover" means any perennial evergreen plant material species that generally does not exceed twelve inches (12") in height and covers one hundred percent (100%) of the ground all year.
 146. "Guest" means any person hiring or occupying a room for living or sleeping purposes.
 147. "Hard surfaced" means a concrete, asphalt surface, brick, stone, or similar surface.
 148. "Hazardous material" means any substance or waste which, because of its composition, quantity, concentration, chemical properties, infectious nature, or similar characteristics, may cause or significantly contribute to an increase mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly handled, treated, stored, transported, disposed, or otherwise managed.
 149. "Health and fitness facility" means a business or membership organization providing exercise facilities and/or non-medical personal services to patrons, including, but not limited to, gymnasiums (except facilities owned by a governmental entity), private clubs (athletic, health, or recreational), reducing salons, tanning salons, and weight control establishments.
 150. "Health care facility" means a dental office, physician office, group medical practice, medical clinic, hospital, specialty hospital, home health agencies, hospices, nursing care facilities, residential health care facilities, birthing centers,

- ambulatory surgical facilities, small health care facilities, facilities owned and operated by health maintenance organizations, and any other health care facility as defined by the Utah Health Care Facility Licensure and Inspection Act set forth in Utah Code §26-1-2 or its successor statute.
151. “Historic district” means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
152. “Historic site” means a structure and/or a site in or on which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
153. “Home occupation” means a business, profession, occupation, or trade conducted for a gain or support and located and conducted within a dwelling unit, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character of appearance of such building.
154. “Homeowner’s association” means a formally constituted private, non-profit corporation made up of the property owners and/or residents of a fixed area for the purpose of owning, operating, and maintaining various common properties and/or facilities.
155. “Horses, for private use” means horses maintained by occupants of dwellings for riding purposes of a noncommercial nature.
156. “Immediate family member” means, father, mother, brother, sister, son, or daughter.
157. “Impact fee” means a payment of money imposed under Title 11, Chapter 36, of the Utah Code, Impact Fees Act or its successor statute.
158. “Improvement warranty” means a guarantee or promise that the materials and workmanship of development improvements comply with the standards that the municipality has adopted and will not fail in any material respect within a warranty period.
159. “Improvement plan” means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements such as but not limited to streets, curbs, gutters, utility lines, and sidewalks to be installed in the subdivision in accordance with the requirements of the land use regulations as a condition of the approval of the plat.
160. “Incinerator” means any enclosed devise using controlled flame combustion for incineration, burning, or reduction on non-hazardous and/or non-medical solid waste.
161. “Industrial park” means a planned, coordinated development for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest with an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may have condominium ownerships, or a combination of these types.

162. “Infill” means a new development that occurs within an already developed area where building patterns and lot platting are already established.
163. “Institution” means an organization or establishment providing religious, educational, charitable, medical, cultural or governmental services.
164. “Junk” means any scrap, waste, reclaimable material, or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. Junk includes but is not limited to tires, batteries, furniture, tools, paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, salvage materials, dismantled equipment, machinery and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.
165. “Kitchen” means any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food as its primary use.
166. “Land use application” means any application required by the land use ordinance.
167. “Land use authority” means a person, commission, or public body designated by the city council to act upon a land use application.
168. “Land use ordinance” means the municipal code as it applies to planning, zoning, development, or subdivision of real property.
169. “Land use permit” means a permit issued by a land use authority.
170. “Landscape buffer” means an area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening and softening the effects of the land use.
171. “Landscaping” means an area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement, except for pedestrian walkways.
172. “Landscape plan” means detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings; ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt; number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four inch (4”) caliper; location, type and size of any existing of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.
173. “Legal conforming” means a status which allows the reconstruction of a destroyed use/structure to its level of use intensity and building bulk before destruction.
174. “Legal nonconforming building/structure” means a building or structure legally existing before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to setback, height

- restrictions, or other regulations, excluding those regulations that govern the use of the land.
175. “Legal nonconforming use” means a use of land legally existed before its current land use designation; and has been maintained continuously since the time the land use ordinance regulation governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
176. “Local district” means an governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
177. “Lodging” includes a hotel, motel, bed and breakfast, or similar facility that is a building designed with a room or combination of rooms offered as a single unit or suite for lodging on a daily or weekly basis occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged, with or without meals.
178. “Lot” means a parcel of land occupied or capable of being occupied by a permitted use, building, or group of buildings (main or accessory), together with such yards, open spaces, parking spaces and other area required by this title, having frontage upon a public street or otherwise duly approved street. No more than one dwelling structure shall occupy any one lot. The definition of a “lot” excludes the creation of flag lots or other irregular shaped lots.
179. “Lot, non-conforming” means a lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot, or lot that predates the governing land use ordinance.
180. “Lot area” means the total horizontal area within the lot lines of a lot.
181. “Lot assemblage” means acquisition of two (2) or more contiguous lots or parcels by the same owner(s) consolidated in order to be developed into a single parcel by the owner for simplicity or tax purposes. Such consolidation is granted by the mayor or designee.
182. “Lot, corner” means a lot which has two (2) adjacent sides abutting on public streets, serving more than two (2) lots.
183. “Lot coverage” means that portion of a lot or parcel which is occupied by any building or other covered structure, excepting paved areas, walks, and swimming pools.
184. “Lot depth” means the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
185. “Lot frontage” means the horizontal length of the front lot line.
186. “Lot line” see the general definition in the *International Building Code*.
187. “Lot line adjustment” means the relocation of a property boundary line in a subdivision or parcel between two (2) adjoining lots with the consent of the owners of records and as approved by the mayor or designee. Any adjusted lot must conform to the land use ordinance as part of any approval.
188. “Lot line, corner side” means any lot line between the front and rear lot lines, which abuts a public street.

189. “Lot line, front” means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way on corner lot, the shorter of the two (2) lot lines adjoining a street right of way shall be the front lot line. In case of land-locked land, the front lot line shall be the lot line that faces the access to the lot.
190. “Lot line, interior side” means any lot line between the front and rear lot lines which does not abut a public street. Standard interior lot lines shall be straight and perpendicular to the greatest extent possible to the front and rear lot lines.
191. “Lot line, rear” means a standard lot line which is opposite, and parallel, to the greatest extent possible, to the front lot line.
192. “Lot, restricted” also denoted as an “R” lot, means a lot which contains or is susceptible to special events, conditions, or restriction including, but not limited to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, fault lines, water table, restrictions, development preclusion(s), negotiated terms, or any other adverse condition or action which would warrant special identification or notice. Such lots shall be subject to regulated conditions as specified by the city. All “R” lots shall be clearly identified on the recorded plat and should include the note identifying the restrictions.
193. “Lot width” means for rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty feet (30’) behind the required minimum front yard line parallel to the street or street chord.
194. “Manufacturing” means the fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery. See Title 11, Chapter 11.12. for details.
195. “Masonry” means stucco, brick or stone.
196. “Medical/dental office or clinic” means a facility dedicated exclusively to providing medical, dental or similar examination, diagnosis, treatment, care and related health care services by licensed health care providers and other health care professionals practicing medicine as a group on persons on an outpatient basis. No portion of the facility may be used to provide on-site inpatient care, overnight care, or twenty-four (24) hour operations, unless it is in compliance with all ordinances applicable to hospitals. Laboratory facilities shall be accessory only and shall be utilized for on-site care.
197. “Metes and bounds” means a method of describing the territorial limits of property by means of measuring distances and angles from designated landmarks, and in relation to adjoining properties, which results in a legal description.
198. “Minimum landscaping area” means the minimum area required to be landscaped with vegetation or otherwise to comply with the landscape requirements of the municipal code.

199. “Moderate income housing plan” means a written document adopted by a city legislative body in accordance with any state requirements for the same.
200. “Moratorium” means the good faith temporary land use regulation that suspends or prohibits certain development activities as approved by the city council in order to provide the city time to address or remedy problem(s) that may existed relating to a development activity. Moratorium is a temporary suspension, not to exceed six months, and is appropriate to deal with cases where there are conflicting or contravening public interests that must be addressed.
201. “Municipal services” means city operations and services such sewer, water, storm water, utilities, public safety, service, roads, fire protection, and other such services performed by a local government or affected entity.
202. “Natural” means the condition of the land, vegetation, rocks and other surface features, which have not been physically disturbed, changed or added to by any action of man or machine.
203. “Natural vegetation” means indigenous plant materials of Northern Utah.
204. “Natural waterways” means those areas, varying in width, along streams, creeks, gullies, springs or washes, which are natural drainage channels as determined by the city or other governmental authority and in which areas no building shall be constructed.
205. “New construction” means on site erection, fabrication or installation of any building, structure, facility or addition thereto.
206. “Night club” includes a bar or tavern and means a business establishment open to public patronage where food or drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance. Alcohol licensing may be allowed as provided in the municipal code.
207. “Non-conforming” means a structure or activity that legally existed before its current land use designation; has been in contiguous use, has not been abandoned for more than one (1) year, and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
208. “Nonconforming lot” means a parcel of land of record with frontage on a public street that was held in separate ownership from adjacent property that at one time met the requirements of the land use ordinance, but where the land use ordinance has subsequently changed so that the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Such lots shall be developed according to the regulation in effect at the time such lots were created subject to the development meeting the current regulations to the greatest extend possible.
209. “Non-developable area” means an area or land where, due to topographic, hazardous conditions, conservation easement, restriction, or otherwise as regulated by the municipal code, is not considered to be suitable for development.

210. “Nuisance” means anything, condition or use of property which adversely affects life, health, gives offense, or obstructs the use and enjoyment of other property.
211. “Obstruction” means a structure or appurtenance to a building that is located or projects into a required yard
212. “Off street parking and loading facilities” means a site or a portion of a site (private or public property) devoted to the off street parking of motor vehicles, including parking spaces, aisles and access driveways.
213. “Office” means a building or portion of a building intended primarily for the conduct of administration or services by a business enterprise and in which limited goods or merchandise are stored, displayed or sold as the secondary focus of business.
214. “Official map” means any map or general plan element approved by the city council which provides for municipal boundaries, municipal facilities, services, zoning, planning, future development, activities, or any municipal purpose.
215. “Off-site improvement or facilities” means improvements or facilities not on individual lots but generally within the boundaries of a development project that may or may not be public improvements and there is a nexus in relation to the development and the need for such improvement based upon the anticipated impact of the development upon the area where such is located based upon existing and prospective demands for such improvements.
216. “Open meeting” means a meeting held in conformance to the open meeting laws of Utah.
217. “Open space” refers to the following:
 - a. Active open space, or any park and recreational facility that is not dependent upon a specific environmental or natural resource, provided anywhere for the convenience of the user. This includes such activity-based recreation areas as baseball fields, softball fields, football, soccer fields, basketball courts, tennis courts, picnic areas, playgrounds, and any similar facilities.
 - b. Passive open space, or areas in and located due to the presence of a particular natural environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized and more program-oriented than activity-based recreation. This includes resource-based outdoor recreation activities that are in a natural condition includes boating, fishing, camping, enhancement areas, conservation easements, trails, nature scape areas, view areas, natural or wildlife habitat, and similar areas.
 - c. Roadway areas, including rights of way, parking lots, lawns, setback areas or other undisturbed portions of building lots shall not constitute open space but are classified instead as required landscape area when required under the municipal code.
218. “Ordinance” means the land use regulations, laws, or municipal code adopted by the city which carry the force of law within the city.

219. “Ordinary high water mark” means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.
220. “Outdoor sales and display” means the use of open areas of the lot for sales or display of finished products for sale to the consuming public. Outdoor sales and display shall include accessory sales/display areas, such as auto accessory items at a gas station as well as principal sales/display areas, such as the sales yard of garden center. Outdoor sales and display shall not include items sold in bulk quantities (e.g., sand, gravel, lumber), merchandise inventory not intended for immediate sale, or items not typically sold to the consuming public (e.g., pallets, construction equipment and supplies, industrial products).
221. “Outdoor storage” means the location of any goods, wares, merchandise, commodities, or any other item such as contractor’s yards where such items are stored outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.
222. “Outdoor storage, public” means the use if open areas of the lot for the storage of private personal property including registered recreational vehicles, automobiles and other personal equipment. This use category does not include or allow the storage of junk as defined in the municipal code.
223. “Overlay district” means a zone district that encompasses one or more underlying zones with additional requirements or special regulations and allows special flexibility in planning the use, site layout and infrastructure design above that required by the underlying zone. These special requirements shall take precedence over the provisions of the underlying zone.
224. “Parcel” means a continuous area of real property, or lot, which is legally described and accurately drawn on the plat of such property and recorded with Weber County.
225. “Park” means a public or private parcel of land developed and used for active or passive recreation.
226. “Park strip” means the landscaped area within a public way located between the back of street curb and the sidewalk, or in the absence of a sidewalk, the right of way line. Landscaping in the park strip to meet code and tree requirements.
227. “Parking facility shared” means a parking lot or garage used for shared parking by two (2) or more businesses or uses.
228. “Parking lot” means an open area, other than a street, used for commercial parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers, designed so that access to the parking spaces in the lot is by means of private interior roadways or alleys and not by direct access from a public street.
229. “Parking, off site” means the use of a lot for required parking that is separate from the lot of the principal use.

230. "Parking, shared" means off street parking facilities on one lot shared by multiple uses because the total demand for parking spaces is reduced due to the difference in parking demand for each use during specific periods of the day.
231. "Parking space" means space within a building, lot or parking lot of certain dimensions, exclusive of access drives, aisles, ramps, columns, for the parking or storage of one automobile or commercial vehicle under two (2) ton capacity.
232. "Parking or traffic study" means a study prepared by a licensed professional traffic engineer specifically addressing the traffic flow and/or parking demand generated by a proposed development which provides the city information necessary to determine whether the proposed development will have a material negative impact to adjacent or neighboring properties and be in the best interests of the city, or what mitigating traffic control measures may be necessary for such development as part of the approval process.
233. "Pasture" means that portion of a parcel of land used by owner occupant for the purpose of raising and grazing farm animals or riding horses.
234. "Patio" means a paved surface on a stone, earthen, or impervious base that is not more than two feet (2') above established grade, designed for pedestrian use.
235. "Pedestrian connection" means a right of way intended for pedestrian movement/activity, including, but not limited to, sidewalks, internal walkways, external and internal paths, trails, and plazas.
236. "Perennial" means a plant having a life span more than two (2) years.
237. "Performance standards" means certain standards, which establish certain criteria, which must be met on a site or under the code as a matter of performance.
238. "Permitted uses" means uses that are allowed in a zone.
239. "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
240. "Personal services" means a business which provides a service, such as a beauty salon, hair, nail, massage services, tanning salons, and similar personal type services.
241. "Planning Commission" means a land use authority designated as the planning commission within the city.
242. "Planting season" means that period during which a particular species of vegetation may be planted for maximum survivability and healthy growth.
243. "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with state law.
244. "Principle of regression" means a standard property assessment valuation principle, as established by the International Association of Assessing Officers, which states that when there are dissimilar properties within the same general classification and in the same area, the better property will be adversely affected.
245. "Private" means for the use of the occupant, friends and guests and not for the purpose of remuneration, hire or sale or any other commercial use, nor use by an ad hoc informal association or group for the purpose of circumventing this limitation.

246. “Private drive” means a nondedicated thoroughfare or road used exclusively for private access to and from private land and/or developments.
247. “Professional office” means any building, structure, or portion thereof, used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist or other similar professions where the service provided is largely non-tangible.
248. “Project Management Committee” means a land use authority consisting of staff that reviews proposed development plans for compliance with requirements of applicable regulations and land use requirements prior to planning commission.
249. “Protection strip” means a plat designation or strip of property that borders a property line for the purpose of controlling the access to adjoining property.
250. “Public agency” means the federal government, the state, a county, municipality, school district, local district, special service district, or other political subdivision of the state, or a charter school.
251. “Public hearing” means a hearing at an open meeting at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
252. “Public meeting” means a meeting that is required to be open to the public under Utah Title 52, Chapter 4, Open and Public Meetings.
253. “Public utility” means an electrical corporation, gas corporation, or telephone corporation, cable corporation, or other utility service provider that provides a utility service to the public.
254. “Public utility facility” means any buildings or structure used in conjunction with the provision of public or private utilities.
255. “Public use” means any use owned and or operated primarily by a public body, quasi-public body, having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, recreational facilities, administrative facilities, service facilities, infrastructure facilities, and public utilities.
256. “Public utility” means private or public facilities, or providers of such, for public distribution of various services, such as water, power, gas, communication, or other such services.
257. “Qualified professional” means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.
258. “Record of survey map” means the map prepared by a licensed surveyor in accordance with state law.
259. “Recreation” means the act of reinvigorating one’s self through play or amusement solely for personal, physical or mental benefit and not for, or as part, of a business enterprise.
260. “Recreational vehicle” means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle including,

- but not limited to, travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.
261. “Recycling container” means an enclosed or semi enclosed container used for the temporary storage of recyclable materials until such materials can be efficiently collected and processed.
262. “Residential facility for elderly persons” means a single-family or multiple-family dwelling unit that meets the requirements of state law.
263. “Residential facility for persons with a disability” means a duly licensed residence where one or more person with a disability resides as defined by state law.
264. “Residential facility for troubled youth” means a residential facility that is occupied on a twenty-four (24) hour basis by one or more qualified youth in a residential facility that conforms with the applicable state law.
265. “Restaurant” means an establishment offering food service, that includes formal service, fast food, delicatessen, café, dining service, catering, and/or drive-up service. Any restaurant may provide food service by menu and served on or off site.
266. “Restriction” means a platted restriction, restrictive covenant, platted restrictive note, platted demarcation, or other platted designation that runs with the land and creates a development or construction restriction of any kind within the perimeter of a lot, subdivision, or development where the restriction is described in a recorded covenant or on the recorded plat as a condition of development.
267. “Retail sales” means an establishment primarily engaged in the sale or rental of commonly used goods sold completely inside an enclosed building with no outdoor storage or display and merchandise for personal or household use, but excluding those classified more specifically in this title. Typical uses include furniture stores, variety stores, direct sales, dry goods, general merchandise, home furnishings, appliances, wall or floor covering, books, clothing, grocery, and auto parts.
268. “Retaining wall” means a wall or terraced combination of walls designed to resist the lateral displacement of soil or other materials, used to retain earth, but not directly supporting the wall of a building, including stacked rock and imbedded boulder walls.
269. “Revegetation” means the replacement of indigenous living plant materials on areas where the natural vegetation has been removed. The areas include disturbed natural areas and manmade cut and fill slopes.
270. “Right of way” (ROW) means it includes any public or private right of way and includes any area required for public use pursuant to any official plan.
271. “Sanitary sewer authority” means the Weber-Morgan Health Department for onsite wastewater collection and disposal systems. Means the Central Weber Sewer Improvement District where applicable, but also includes the city where city collection are maintained or installed for collection. The applicable authority is responsible to review and approve the feasibility of sanitary sewer services.

272. “Satellite dish antenna” means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based stations. This definition is meant to include, but not to be limited to what are commonly referred to as satellite earth stations, television reception only (TVRO’s), and satellite microwave antennas.
273. “School” means a public, private, parochial, or charter school that serves elementary, junior high, or high school students. Such institution shall offer general academic instructions equivalent to the standards prescribed by the state board of education, and may include curriculum as a music academy or seminary school.
274. “Screening” means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features.
275. “Seasonal sales” means the retail sale of small items that are seasonal in nature or identified with individual holidays or celebrations. Such seasonal sales shall include Christmas trees, fireworks, farm produce, or temporary seasonal sales of small items.
276. “Sensitive vegetation” means wetlands or other vegetative cover which can be harmed by compaction from overuse, urban development, or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing severe retardation of growth or elimination of a particular variety of vegetative species. Such areas of sensitive vegetation are shown on the Sensitive Lands Overlay.
277. “Sensitive wildlife habitat” means wildlife habitat which provides an environmental biosphere critical to the well-being and perpetuance of certain species of wildlife, particularly if encroached upon by urban related development. It is specifically related to the elimination of a limited habitat and its related wildlife. Such areas of sensitive wildlife habitat are shown on the Sensitive Lands Overlay.
278. “Sensitive Lands Overlay Map” means the map adopted by the city showing sensitive or critical lands in the city, within which sensitive lands limit development. The map identifies areas that may be affected by a particular type of sensitive or critical lands.
279. “Setback” means the shortest horizontal distance between the boundary line of the lot and the building or structure or part thereof.
280. “Sewer treatment plant” means Central Weber Sewer Improvement District, a licensed facility that purifies sanitary sewer effluent to a minimum level as established by state and/or federal environmental protection agencies.
281. “Sexually oriented business” means a business that involves sexual material or services of any kind and as may be further defined in other sections of the municipal code

282. "Sight distance triangle" means a triangular area formed by a diagonal line connecting two (2) points located on intersecting right of way lines (or a right of way line and the edge of a driveway). The purpose of the sight distance triangle is to define an area in which vision obstructions are prohibited.
283. "Sign" refer to the definitions in the municipal code.
284. "Site development standards" means the established regulations concerning lot areas, setbacks, building height, lot coverage, open green space, landscaping, screening, architecture, and any other regulations specified in the municipal code.
285. "Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development.
286. "Solicitor" refer to definition in the municipal code.
287. "Solid waste" means any household garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities.
288. "Special Area Plan" (SAP) refers to a repealed land use classification that was similar to a planned residential unit development PRUD.
289. "Special district" means an special purpose governmental or quasi-governmental entity as specified in state law.
290. "Stable, private" means a detached building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
291. "Stable, public" means a building or land where animals are kept for remuneration, hire, sale, boarding, riding, or show.
292. "State" means the state of Utah, including any department, division, or agency of the same.
293. "Storage units" means a commercial facility providing storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activities.
294. "Story" means the vertical distance between the finished floor of one level and the finished floor of the level above or below.
295. "Streams" means the flow of water on land, excluding constructed irrigation ditches, that flow year around or intermittently during years of normal rainfall.
296. "Stream corridor" means the water's passageway defined by the stream's ordinary high water mark.
297. "Street" means the road way constructed within the public right-of-way.
298. "Street, cul-de-sac" means a single dead end street terminating with a temporary or permanent turnaround in accordance with the applicable standards.
299. "Street frontage" means all of the property fronting on one side of the street between intersecting streets, or between a street and a waterway, a dead end street or a political subdivision boundary and having unrestricted vehicular and pedestrian access to the street. For the purpose of regulating signs or flags, street frontage means an entire lot fronting on a portion of the street.

300. “Street line” means the boundary line between street right of way and abutting property.
301. “Street, private” means a roadway in an SAP area.
302. “Street, public” means a thoroughfare which has been dedicated and accepted by the city, or which has been made public by right-of-use and which affords the principal means of access to abutting property.
303. “Street trees” means trees located in the landscape area within a public way located between the back of the curb, and the sidewalk, or in absence of the sidewalk, the right of way line.
304. “Structure” means anything constructed or erected with a fixed location on the ground or in/over the water bodies in the city. Structure includes, but is not limited to: buildings, fences, walls, signs, bridges, and facilities along with any objects permanently attached to the structure.
305. “Subdivision” means the division of any land in accordance with Title 10, Chapter 9a of the *Utah Code Annotated*, as amended.
306. “Telecommunications tower” means a structure situated on a nonresidential site that is intended for transmitting or receiving communications, excluding those used exclusively for dispatch communications.
307. “Temporary use” means a prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.
308. “Tenant” means primary occupant who has the operation or temporary possession of space in a commercial building, or rents or leases from a landlord.
309. “Theater” means a permanent structure containing facilities for entertainment purposes for motion picture, drama, dance, musical, or other live performance.
310. “Trellis” means a frame of latticework designed to support plants.
311. “Undevelopable area” means the portion of property that is unusable for or not compatible for development, which may include areas covered by water, wetlands, incompatible soils, sensitive lands, and also includes areas where certain types of easements apply, or property otherwise not suitable for development, including areas designated on a plat as undevelopable.
312. “Unincorporated” means the area outside of the incorporated area of a municipality.
313. “Use” means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged, or for which either a site or structure is or may be occupied and maintained.
314. “Use, accessory” means a use incidental to and on the same lot as a principal use is:
 - a. Clearly incidental to and customarily found in connection with a principal building or use,
 - b. Is subordinate to and serves a principal building or a principal use,
 - c. Is subordinate in area extent or purpose to the principal building or principal use served, and

- d. Contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served.
315. “Use, conditional” means a land use that, because of its unique characteristics or potential impact on the municipality, 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.
316. “Use, main” means the principal use of land or structures, as distinguished from a secondary or accessory use.
317. “Use, permitted” means any use lawfully occupying land or building as authorized in the zone regulations and for which no conditional use permit is required.
318. “Use, prohibited” means any use not specifically designated as permitted or a conditional use permit, and is therefore prohibited.
319. “Use, secondary” means a use and/or structure, in addition to the main/primary use, and located on the same lot or parcel of land as the main/principal use.
320. “Utilities” means culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power and telephone transmission lines, cable lines of any kind, underground conduit and junction boxes.
321. “Vacant lot” means a lot or parcel which at the present time contains no structures.
322. “Variance” means a decision that affords a relaxation of the application of regulations within the land use ordinance rendered by the designated land use appeal authority in accordance with state law.
323. “Vegetation” means living plant material including, but not limited to, trees, shrubs, flowers, grasses, herbs and groundcover.
324. “Vertical clearance” means clear space between floor grade level and ceiling height.
325. “Veterinary service” means any animal hospital use, building, or structure used for medical and/or surgical care, treatment of animals, and boarding of animals limited to short-term care incidental to the hospital use. The definition includes the care for domesticated farm animals, exotic animals, and household pets.
326. “Warehouse” means a structure, or part thereof, or area used principally for the storage of goods and merchandise.
327. “Warehousing and distribution” an establishment primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants, including limited warehousing and distribution and general warehousing and distribution.
328. “Waste transfer station” means the solid waste transfer and disposal facility operated by Weber County.
329. “Wetlands” means those areas that may be inundated or saturated by surface or ground water at a frequency and duration sufficient to support vegetation or wildlife typically adapted for life in saturated soil conditions.
330. “Water interest” means any right to the beneficial use of water under state law.
331. “Wholesale” means the sale of goods or materials for the purpose of resale.

332. “Yard” means the space on a property between a use, building, or structure, which is an open space which is unoccupied and unobstructed from its ground level to the sky, except as otherwise permitted. A yard extends along a parcel or lot line, and to a depth or width specified in the yard requirements for the zoning district in which such parcel or lot is located.
333. “Yard, corner side” means an open unoccupied space on the same lot with a building between the side line of the building facing the street, exclusive of steps, and the side lot line abutting a street and extending from the front lot line to the rear lot line. The width of the side yard shall be the minimum distance between the nearest part of the side lot line abutting the street and the nearest part of the sideline of the building facing the street.
334. “Yard, front” means a yard on the same lot with a building, between the front line of the building exclusive of steps and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the nearest part of the front lot line and the nearest part of the front line of the building or buildings on the lot.
335. “Yard, interior side” means an open, unoccupied space on the same lot with a building between the side line of the building, exclusive of steps, and the side lot line abutting an interior lot and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the nearest part of the side lot line and the nearest part of the side line of the building.
336. “Yard, rear” means a yard on the same lot with a building between the rear line of the building exclusive of steps and the rear lot line and extending the full width of the lot. The depth of the rear yard shall be the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the building.
337. “Yard, rear corner” means an open, unoccupied space on the same lot with a building, between the rear line of the main building and the rear lot line, and extending from the side property line abutting an interior lot to the corner side yard.
338. “Yard, rear interior” means an open, unoccupied space on the same lot with a building between the rear line of the main building and the rear lot line, and extending the full width of the lot. The depth of the rear yard is the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the main building.
339. “Yard, required” means the minimum open space as specified by the regulations of this title for front, rear, side and street side, as distinguished from any yard area in excess of the minimum required. See definition of “Building area.”
340. “Yard setback” means the minimum distance for the depth or width of a yard required by this ordinance for the zone in which the lot or parcel is located.
341. “Yard, side” means see definition of “Yard, interior side.”
342. “Zone” means a district classification established by this title, which limits or permits various and specific uses.

343. “Zoning district” means areas of the city designated in the text of this title in which requirements and standards for the use of land and buildings are prescribed.
344. “Zoning map” means a map, adopted by the city council as part of a land use ordinance, that various depicts zoning districts, overlays, and other land use applications.

11.24.030. Exterior architectural design standards.

Architectural designs that are not in compliance with this section are considered architecturally incompatible. The following exterior architectural design standards apply to new and remodeled applicable structures, and for commercial, manufacturing, and multi-family uses:

11.12.020. Uses.

[The following uses will be amended or added as noted]

Automobile service limited to only lube, ~~and~~ oil change, ~~or~~ brake, and muffler repair.

Automobile and recreational vehicle sales.

Car wash.

Commercial laundry.

Construction sales and service.

Dance studio.

Freight terminal, truck or rail


Retail sales includes any establishment primarily engaged in the sale or rental of common used goods sold completely inside an enclosed building with no outdoor storage or display and merchandise for personal or household use, but excluding those classified more specifically in this title. Typical uses include furniture stores, variety stores, direct sales, dry goods, general merchandise, home furnishings, appliances, wall or floor covering, books, clothing, grocery, and auto parts.

Bar, tavern, or private Night club.

Watchman's dwelling as accessory to commercial or manufacturing use.

Section 3: Effective date. This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this 14th day of January, 2014.



BRUCE RICHINS, Mayor
Harrisville City

ATTEST:



Jennie Knight
City Recorder

RECORDED this 21st day of January, 2014
PUBLISHED OR POSTED this 21st day of January, 2014

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

Jennie Knight DATE: 1-21-14
City Recorder