

§ 9-2-2. TERMS DEFINED:

ACCESSORY DWELLING UNIT (ADU):

A residential dwelling unit occupied as a separate dwelling on the same lot as a single-family dwelling unit, not including an internal accessory dwelling unit as defined herein and in section 10-9a-530(1), Utah Code Annotated. An accessory building, as defined, is not a portable structure which does not qualify as an ADU.

ACCESSORY STRUCTURE:

A building on the same lot as the principal building and that is:

- A. Clearly incidental to, and customarily found in connection with such principal building;
- B. Operated and maintained for the benefit of the principal use;
- C. A dwelling unit or home office; and
- D. Inaccessible from residence;

ADULT SEXUALLY ORIENTED BUSINESSES:

Adult oriented business means any or all of the following or any portions of the following: adult bookstore, adult video store, adult novelty store, adult motion picture theater, and adult theater.

AFFECTED ENTITY:

A county, municipality, independent special district under Utah Title 17A, Chapter 2, Independent Special Districts, local district under Utah Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owners association, or the Utah Department of Transportation, 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 municipality a copy of the entity's general or long-range plan; or
- C. entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed by state law.

AGRICULTURE:

The tilling of soil, raising of crops, horticulture, gardening and the raising of livestock.

AGRICULTURAL INDUSTRY OR BUSINESS:

An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, or storage, including but not limited to food packaging or processing plants, and similar uses as determined by the planning commission with a conditional use permit. This definition does not include hog farms, commercial poultry businesses or rendering facility.

ANIMAL HOSPITAL OR VETERINARY OFFICES:

An establishment where animals are medically treated, lodged or trained by a licensed veterinarian.

ANIMAL PROCESSING PLANT:

A facility where The manufacturing, compounding, processing, assembling, and packaging of animal parts within an enclosed structure, or an open yard that is capable of being screened from neighboring properties, is serviced by trucks or other vehicles, and whose environmental impact is within the industrial performance standards as outlined in this ordinance.

ANTENNA:

A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

A. Antenna, Drive Test: A temporary antenna, which is used for field-testing of telecommunications signals and possible locations but does not provide telecommunications to customers.

B. Antenna, Freestanding: An antenna mounted on the roof of or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

C. Antenna, Roof Mounted: An antenna or series of individual antennas mounted on the roof of a building.

D. Antenna, Temporary: An antenna used for a time period of less than thirty (30) days.

E. Antenna, Wall Mounted: An antenna or series of individual antennas mounted fully against the exterior face of a building including on the face of a chimney. A wall or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

F. Antenna, Whip: An antenna that is cylindrical in shape. Whip antennas can be directional or omni directional and vary in size depending upon the frequency and gain for which they are designed.

APARTMENT HOTEL:

Any building that contains dwelling units and also satisfies the definition of a hotel, as defined in this chapter.

APARTMENT HOUSE:

A building that contains four or more dwelling units primarily for rent or lease or a building that contains an apartment or apartments and also contains other approved uses such as office or retail space.

APPEAL AUTHORITY:

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.

APPLICANT:

The owner of the property that is the subject of the application, or the owner's agent.

APPLICATION:

A written request for development approval including, but not limited to an alteration or revision to an approved site development plan, conditional use permit, zoning or rezoning, subdivision, or annexation. The term "application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

ASSEMBLY FACILITY:

A facility where parts are put together to develop a final product. Generally referring to automobile, computer and electronic assembly.

ASSISTED LIVING CENTER:

"Assisted living center" means residences that provide for semi-independent living. Such facilities may be (1) equipped with studio or one bedroom apartments with limited kitchen facilities, generally designed for single occupancy; (2) contain central dining facilities where prepared meals are served to the residents; (3) employ full time nursing or medical assistance and supervision; and (4) may provide other additional services to residents.

AUTO WRECKING, SALVAGE YARD:

The use of any lot, portion of lot, or tract of land for the storage and keeping of salvage, including scrap metals or other scrap material, unlicensed/inoperable vehicles or for the dismantling or demolition of obsolete automobiles or equipment, machinery, or parts thereof. This definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone district.

AUTO, TRUCK, RECREATIONAL VEHICLE, AND EQUIPMENT SALES AND RENTAL:

Sales of both new and used motor vehicles and equipment stored and displayed both indoors and on outside lots, but not to include non-serviceable or junk vehicles or equipment.

AUTOMOTIVE REPAIR ESTABLISHMENT:

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment.

Establishments involving auto body repair and painting services will require a conditional use permit. Not included are automotive salvage yards.

AUTOMOTIVE SELF-SERVICE STATION:

An establishment for the retail sale of automobile fuels and lubricants, at which the customer provides the service to his own vehicle, and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity.

AUTOMOTIVE SERVICE STATION:

An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle and related fuel, oil, or lubricant. Secondary activities may include minor automotive repair, maintenance, or automatic car wash.

BALCONY:

A platform that projects from the wall of a Building and is enclosed by a railing, parapet or balustrade.

BANKING OR FINANCIAL SERVICE:

A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.

BAR, TAVERN, LOUNGE, AND CLUB:

An establishment intended primarily for the on-premises sale and consumption of alcoholic beverages, open either to the public or operated as a nonprofit private club for members only.

BASEMENT:

A story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement and as a half-story for purposes of side-yard determination.

BED AND BREAKFAST:

A short-term or vacation rental where at least one (1) meal per day is provided.

BOND, PUBLIC IMPROVEMENT:

A one (1) year guarantee to the City that all public improvements have been installed to City specifications and will operate properly.

BUILDING:

Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property of any kind.

BUILDING AREA:

The portion of a lot that is within the envelope formed by the required yards or setbacks, within which a structure can be located.

BUILDING HEIGHT:

The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

BUILDING INSPECTOR:

Huntington City official known as the zoning enforcement officer who is designated to inspect building under construction and upon completion.

BUILDING, MAIN:

A building within which the principal land use of the lot is conducted.

BUSINESS:

Any activity carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real property, the manufacturing of goods or property and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, occupation, non-profit organization or other calling.

CANOPY:

A roof or awning constructed of fabric or other material and extending outward from a building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the canopy or cantilevered from the building.

CARPOR:

A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all regulations prescribed for a private garage.

CEMETERY, COLUMBARIUM, CREMATORY, MAUSOLEUM:

Land or buildings used for the cremation, burial, or interment of the human dead but not including facilities for embalming.

CHIEF EXECUTIVE OFFICER:

The Mayor of Huntington City.

CHILD CARE, CENTER (FAMILY DAY CARE) TYPE 1:

The provision of child care for business for eight (8) or fewer children, including the provider's children who are under the age of eighteen (18), within a dwelling unit.

CHILD CARE, FACILITY, TYPE II:

The provision of child care for business for nine (9) or more children with a maximum of 16 children including the provider's children who are under the age of eighteen (18).

CHURCH:

A building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of the State of Utah.

COAL YARD:

The storage of coal in quantities in excess of 10 tons and/or the retail or wholesale sale of coal.

COMPLETE APPLICATION:

A submission, which includes all information requested on the appropriate form, and full payment of all applicable fees.

CONDITIONAL USE:

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 of a zone district, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONGREGATE LIVING FACILITY:

A residence in which three or more persons unrelated to the owner or provider reside, including but not limited to youth homes, residential facilities for the disabled, residential facilities for the elderly.

CONDOMINIUM:

Any structure or parcel that has been submitted to fractionalize ownership under the provisions of the Utah Condominium Ownership Act.

CONVENIENCE GOODS SALES AND SERVICES:

Stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable. This category includes grocery store, drug store, variety store, personal service, hardware store, dry cleaning pick-up, and uses considered similar and compatible.

CONSTITUTIONAL TAKING:

Final action by the City to physically take or exact private real property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

COURT:

An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

COUNCIL:

Members of the City Council of Huntington. COUNTY: The unincorporated area of Emery County.

COVERAGE:

The percent of the total site area covered by structures or impervious paving other than those accepted in this ordinance.

CUL-DE-SAC:

A minor street having an open end and being terminated at the other end by a vehicle turnaround.

CULINARY WATER AUTHORITY:

The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DAIRY:

A commercial establishment housing animals for the processing and/or retail sale of dairy products.

DETACHED ADU:

An accessory dwelling unit that shares no common walls or roof with the primary dwelling.

DEVELOPMENT:

The act, process or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating or filling of such property. This definition includes construction activity.

“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.

DISABILITY:

means a physical or mental impairment that 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 U.S.C. 802.

DISABLED CARE:

A long-term care residential facility for disabled persons, persons suffering from a physical or mental impairment that 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.

DISTRICT:

A portion of the area of Huntington City, Utah shown on a zoning map (attached to this ordinance) and given a zone classification as set forth in this ordinance.

DRIVE-THRU FACILITY:

A facility associated with a commercial service that is provided from a counter or window for consumption or sale either off or on the premises. Service may also be provided to customers in automobiles by use of an outside drive-up window; parking is provided immediately adjacent to the building. This definition includes also specialty food stores such as ice cream parlors or delicatessens, having counter or window service.

DRY-CLEANING ESTABLISHMENT:

An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics and patron-operated dry-cleaning machines associated with Laundromats.

DWELLING:

Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, and tourist cabins.

A. Dwelling, Four-Family: A building arranged or designed to be occupied by four families, the structure having only four dwelling units.

B. Dwelling, Multiple-Family: A building arranged or designed to be occupied by more than four families.

C. Dwelling, Single-Family: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

D. Dwelling, Three-Family: A building arranged or designed to be occupied by three families, the structure having only three dwelling units.

E. Dwelling, Two-Family: A building arranged or designed to be occupied by two families, the structure having only two dwelling units.