

Chapter 29.02. Definitions.¹

Table of Contents

29.02.010. Purpose 1
29.02.020. Definitions..... 1

29.02.010. Purpose.

The purpose of this Chapter is to provide specific meanings for terms as they are used in this Title and to facilitate the understanding and administration of the provisions of this Title. Meanings shall apply to the singular or plural and to any tense of a verb. Definitions of pertinent terms provided in Utah Code are adopted as part of this Title.

29.02.020. Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Title but not defined herein shall have the meaning as defined in any other title adopted by the local jurisdiction.

Accessory Use or Building. A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or building.

Adult Day Care Facility. A facility that furnishes care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty-four (24) hours per day.

Affected Entity. As defined by Utah Code pertaining to the applicable land use provision. Note: There are several definitions of Affected Entity in the Utah Code.

Agent of Owner. Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

Agriculture. The production, keeping or maintenance, for sale, lease or personal use of plants and animals useful to man, including crops and products such as vegetables, fruit trees, harvestable and ornamental trees, hay, sod, grain, honey, milk, cheese, and any other agricultural or horticultural products and their storage; the raising thereon of farm poultry and farm livestock and animals, such as cattle, sheep, goats or animals of the Bovinae family; all horses, mules or animals of the Equine family; all pigs, swine or animals of the Suinae family; fur bearing animals, bees and ostriches, rhea, and emu, trees and forest products; wholesale fruits of all kinds, including grapes, nuts and berries; wholesale vegetables; wholesale nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agricultural Industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.

Agricultural Sales And Services. Establishments primarily engaged in supplying machinery, equipment, supplies and services to agricultural producers.

Airport. Any area of land or water designed and set aside for the landing and the taking off of aircraft.

Alley. A public access-way less than twenty-six feet (26') in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this Title.

Alterations, Structural. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

¹ Section 29-01 - 29-09 completely rewritten upon approval of Ordinance No. 07-13, dated 7/19/07

Amusement Park. Any place of organized amusement activity not conducted wholly within a completely enclosed building.

Appeal Authority. Means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application and a variance.

Architectural Projection. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

Assisted Living Facility. A residential facility, licensed by the State of Utah, with a homelike setting that provides an array of coordinated supportive personal and health care services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

- A. specified services of intermittent nursing care;
- B. administration of medication; or
- C. support services promoting resident's independence and self-sufficiency.
- D. An assisted living facility does not include:

1. a residential facility for persons with a disability; or
2. adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

Athletic Club. See "Health Club."²

Automatic Car Wash. A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1-1/2) tons capacity.

Automobile Paint Shop. A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

Automobile Dealership. A retail business established for the display, sale or lease of automobiles, pick-up trucks, vans, accessory trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. This definition does not include large transportation vehicles, such as diesels, truck trailers, construction vehicles or equipment, and farm equipment. Incidental uses may also exist upon the same site as long as the uses are directly associated with the licensed business for maintenance, repair and service areas, parts storage areas, and financial service areas. Incidental service, repair or maintenance shall be conducted within an enclosed building.³

Automobile Fuel Station. A place where gasoline, natural gas, propane, diesel, or other similar motor fuel and like product for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. Repair services are not performed at this place.⁴

Automobile Sales Area. An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

Automobile Service Station. A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

Automobile Service and Repair. The repair and maintenance of automobiles and trucks. Such uses may include, but are not limited to body shops, transmission shops, lube centers, tire stores, car washes as a primary use, and auto glass shops. This definition does not include retail sales of auto parts and supplies where no service or repair is performed on the premises.⁵

Average Per Cent of Slope. An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred feet (100') between two points one hundred feet (100') apart, measured on a horizontal plane is a one hundred percent (100%) slope.

Awning. A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Basement. As defined by the current adopted International Building Code.⁶

Basement House. A residential structure without a full story structure above grade.

Bed and Breakfast Facility. A dwelling meeting the requirements of Section 29.05.240, in the Supplementary and Qualifying Regulations Chapter of this Title, which rooms are rented out by the day

² Ordinance No. 09-02, 2/19/09

³ Ordinance No. 09-02, 2/19/09

⁴ Ordinance No. 09-02, 2/19/09

⁵ Ordinance No. 09-02, 2/19/09

⁶ Ordinance No. 14-10, 9/18/14

offering overnight lodgings to travelers and where one or more meals are provided by the host family, the price of which is included in the room rate.⁷

Beginning of Construction. The pouring of concrete footings for a building or structure.

Block. The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

Boarder. A person living in a rented room in a boarding house. The boarding house operator, or a member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.

Boarding House. A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value. A boarding house does not include:

A. a residential facility for the elderly or persons with a disability; or

B. any non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof.

Body and Fender Shop. A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

Buildable Area. The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen percent (15%) shall not be considered buildable area unless it is approved by conditional use permit for construction, after study by a geologist, soils engineer, or sanitarian as required by the planning commission.

Building. Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

Building, Accessory. A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

Building, Agricultural. A structure used solely in conjunction with agriculture use, not for human occupancy, and complying with the requirements of Utah Code or successor law. To qualify as an agricultural building, the structure must be located outside of a residential area, as defined by Utah Code or successor law.

Building, Height of. The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

Business or Financial Services. An establishment intended for the conduct of, or service or administration by, a commercial enterprise, or offices for the conduct of professional or business service, but not including medical, dental, chiropractor or other arts. Uses intended by this definition would include, but not be limited to, business and professional offices, depository institutions, and other establishments performing financial services (including outside drive-up facilities). This definition shall not include businesses that are defined as a non-depository institution nor businesses in which goods or merchandise are sold or stored, nor sexually-oriented businesses.⁸

Campground. A public area designated by a public agency for camping, or a private area licensed by the local governing body for camping.

Camping. A temporary establishment of living facilities such as tents or recreational coaches as regulated by this Title.

Cannabis. All species of the genus cannabis and all parts of the genus, whether growing or not; the seeds of it; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from them, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species or the genus cannabis which are chemically indistinguishable and pharmacologically active are also included.⁹

Cannabis Cultivation Facility. A person, corporation, partnership, association, company, or other entity that:

A. Possesses cannabis;

B. Grows or intends to grow cannabis; and

⁷ Ordinance No. 09-02, 2/19/09

⁸ Ordinance No. 09-02, 2/19/09

⁹ Ordinance No. 19-20, 11/7/2019

C. Sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility or, as defined in Utah law, a medical cannabis research licensee.¹⁰

Cannabis Processing Facility. A person, corporation, partnership, association, company, or other entity that:

A. Acquires or intends to acquire cannabis from a cannabis production establishment or a holder of an industrial hemp processor license under Utah State Code Title 4, Chapter 41, Hemp and Cannabinoid Act, or its successor;

B. Possesses cannabis with the intent to manufacture a cannabis product;

C. Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

D. Sells or intends to sell a cannabis product to a medical cannabis pharmacy or, as defined by Utah law, a medical cannabis research licensee.¹¹

Cannabis Product. A product that:

A. Is intended for human use; and

B. Contains cannabis or tetrahydrocannabinol.¹²

Cannabis Production Establishment. A cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.¹³

Canopy. A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows and other openings supported by the building and supports extending to the ground directly under the canopy.

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

Cattery. Land or buildings used in the keeping of three (3) or more cats, six (6) months old or older.

Cellar. A room or rooms wholly under the surface of the ground, or having more than fifty (50%) percent of its floor to ceiling height under the average level of the adjoining ground.

Check Cashing. Cashing of checks for consideration or extending a deferred deposit loan and shall include any other similar types of businesses defined by the State of Utah pursuant to the Check Cashing Registration Act.

Child Nursery. An establishment for the care and/or the instruction of five (5) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

Church. A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

City Attorney's Office. The attorney employed by or officially representing Brigham City, Utah

City Council. The City Council of Brigham City.

City Building Inspector. The building inspector employed by or officially representing Brigham City's Building Division.

City Engineer. The engineer employed by or officially representing Brigham City, Utah.

City Planner. The Planner employed by or officially representing Brigham City's Community Development Department.

Clinic, Dental or Medical. A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operating rooms for major surgery.

Club, Social. Any organization, group, or association supported by its members where the sole purpose is to render a service to said members and their guests.

Commercial Sales and Services. Any use involving the exchange, buying, or selling of goods or services for gain or economic profit, but excluding automobile repair.

Community Correctional Facility. A facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.

Community Development Department. The Community Development Department of Brigham City, Utah.

Community Location. A public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park.¹⁴

¹⁰ Ordinance No. 19-20, 11/7/2019

^{11,12,13,14} Ordinance No. 19-20, 11/7/2019

Complete Application. A submission that includes all information requested on the appropriate form and payment of all applicable fees.

Correctional Facility. A prison, jail, juvenile detention facility or juvenile secure facility.

Concentrated Animal Feeding Operation. A lot or facility, as defined by the administrative rules of the State of Utah, R317-8-3.6, as amended or successor law, subject to the Utah pollutant discharge elimination system (UPDES), but generally where the following conditions are met:

A. Animals, other than aquatic animals, have been or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period; and

B. Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; or

C. Is designated by the executive secretary, state of Utah water quality board, as a concentrated animal feeding operation:

D. Number Only: If more than the numbers of animals confined exceeds:

1. One thousand (1,000) slaughter and feeder cattle,
2. Seven hundred (700) mature dairy cattle, whether milked or dry cows,
3. Two thousand five hundred (2,500) swine,
4. Five hundred (500) horses,
5. Ten thousand (10,000) sheep or lambs,
6. Fifty five thousand (55,000) turkeys,
7. One hundred thousand (100,000) laying hens or broilers, if the facility has continuous overflow watering,
8. Thirty thousand (30,000) laying hens or broilers, if the facility has a liquid manure handling system,
9. Five thousand (5,000) ducks, or
10. One thousand (1,000) animal units.

E. Number and Condition Of Discharge: If more than the numbers of animals confined exceeds

1. Three hundred (300) slaughter and feeder cattle,
2. Two hundred (200) mature dairy cattle, whether milked or dry cows,
3. Seven hundred fifty (750) swine,
4. One hundred fifty (150) horses,
5. Three thousand (3,000) sheep or lambs,
6. Sixteen thousand five hundred (16,500) turkeys,
7. Thirty thousand (30,000) laying hens or broilers, if the facility has continuous overflow watering,
8. Nine thousand (9,000) laying hens or broilers, if the facility has a liquid manure handling system,
9. One thousand five hundred (1,500) ducks, or
10. Three hundred (300) animal units; and
11. Either one of the following conditions are met:
 - i. Pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or
 - ii. Pollutants are discharged directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Conditional Use. A use of land for which a conditional use permit is required, pursuant to this Title.

Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

Constitutional Taking. Final action(s) 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 of article 1, section 29, of the Utah constitution.

Corral. A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

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.

Coverage, Building. The percent of the total site area covered by buildings.

Crisis Nursery. A twenty-four (24) hour group living facility which provides crisis/respite care in a safe homelike atmosphere to a maximum of eight (8) children ages zero (0) through eleven (11) when there is a potential for abuse, neglect, or an emergency. Crisis care may include room and board for up to seventy-two (72) hours. Each facility shall:

- A. have an employed manager/house parent responsible for day-to-day resident supervision and operation of the facility;
- B. provide medical backup with a licensed physician;
- C. have a staff person trained in first aid and CPR on duty at the facility at all times;
- D. be state licensed.
- E. have the option of providing the following service to parents/guardians of client children or other parents who may benefit from such services:

- 1. Parent counseling; and
- 2. Parenting workshops.

3. Have adequate parking as determined by the Planning Commission. In making its determination and at its discretion, the Planning Commission may consider the availability of on-street parking, availability of off-site parking, shared or other alternative parking arrangements, or any other information it deems valid and applicable.

Crosswalk or Walkway. A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

Dairy. A commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addition to, any federally controlled substance, as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802, or successor law. As used in this definition:

A. "Physical or mental impairment" includes:

1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

2. any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

3. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

B. Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

C. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

D. "Is regarded as having an impairment" means:

1. has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as constituting such a limitation;

2. has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

3. has none of the impairments defined in paragraph A of this definition but is treated by another person as having such an impairment.

Day Care Center (Nonresidential). Any building or structure, other than an occupied residence or a publicly assessable building (church, school, etc.) that is permitted in a single family zoning district, furnishing care, supervision, and guidance for one or more children unaccompanied by parent or guardian for periods of individual care giving for less than twenty-four (24) hours per day. The term "Day Care Center (Nonresidential)" is inclusive of kindergartens, preschools, child day care, nursery schools, and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

Depository Institution. A bank, savings and loan association, savings bank, industrial bank, credit union or other institution that:

- A. holds or receives deposits, savings or share accounts;
- B. issues certificates of deposit; or

C. provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.¹⁵

District. A portion of the territory of the local jurisdiction, established as a zoning district by this Title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Title; also includes "zone," and "zoning district."

Domestic Staff. Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.

Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

Dwelling. Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, or nursing home.

Dwelling, Farm or Ranch Housing. Dwelling units constructed to provide housing for migratory or temporary farm workers; or for persons permanently working on a farm or ranch.

Dwelling, Mobile Home. See "Mobile Home."

Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling, Three-family. A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

Dwelling, Four-family. A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

Dwelling, Multiple-family. A building arranged or designed to be occupied by more than four (4) families, and having more than four (4) dwelling units.

Dwelling Group. A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

Dwelling Unit. One or more rooms in a dwelling with shared access to common living facilities, which include the provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.¹⁶

Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

Educational Institution. A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily provided in grades one through twelve in a public school system. The term educational institution for the purpose of this Title does not include post high school educational facilities or educational facilities which include residential facilities for its students.

Educational Institution with Housing. A public or private educational institution with on-site residential facilities for its students and/or staff.

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

Essential Service Facilities. Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Family. An individual, or two (2) or more persons related by blood, marriage, or adoption, or legal guardianship, and including up to two (2) additional unrelated persons; or a group of not more than four (4) persons who are not related; or two (2) unrelated persons and any children related to either of them; living in a dwelling unit as a single housekeeping unit and using common facilities. "Family" does not exclude the care of foster children.¹⁷

Family Food Production. The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Floor Area. Area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

Fraternity or Sorority House. A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who

¹⁵ Ordinance No. 09-02, 2/19/09

¹⁶ Ordinance No. 16-16, 11/3/16

¹⁷ Ordinance No. 16-16, 11/3/16

are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

Forest Industry. An industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

Freight Transportation Service. Establishments primarily engaged in undertaking the transportation or transferring of goods, merchandise, materials and commodities of any kind for compensation, and which may in turn make use of other transportation establishments in effecting delivery. ¹⁸

Frontage, Block. All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts or that common line between a lot and a public street.

Frontage, Lot. The lineal measurement of the front lot line.

Garage, Private. A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1-1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises, except that not more than two (2) snowmobiles may be stored in addition to the number of other vehicles herein permitted.

Garage, Repair. A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.

Geological Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

Grade. Includes *the* following:

A. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.

B. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.

C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

D. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

Governing Body. The elected legislative body of Brigham City.

Health Club. An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Heritage. A use recognized as a practice that is handed down from the past by tradition, or a building recognized for its use, history or architectural significance in the community. ¹⁹

Homeless Shelter. Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. May also include a kitchen and cafeteria.

Home Occupation. The use of a portion of a dwelling customarily used for dwelling purposes, or an attached or detached garage, accessory structure, or yard space as an office, studio, teaching or work room for occupations which are conducted in the home, or an attached or detached garage, accessory structure, or yard space and which is clearly incidental and accessory to the primary use of the dwelling or the attached or detached garage, accessory structure, or yard space and which also meets all the conditions and requirements of Chapter 29.30 of this Title.

Hospital. An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

Hotel. A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals.

¹⁸ Ordinance No. 09-02, 2/19/09

¹⁹ Ordinance No. 09-02, 2/19/09

Household Pets. Animals ordinarily permitted in Utah residences and kept for the company or pleasure of Utah residents, such as domesticated dogs, domesticated cats, and domesticated birds. Household pets also include tropical fish, amphibians, reptiles, or invertebrates of a number that do not constitute a health hazard or nuisance, and can be safely and humanely kept in aquariums, cages, or enclosures, the cumulative size of which shall not exceed fifty (50) cubic feet per household. Household pets shall not include a sufficient number of dogs as to constitute a kennel, nor sufficient cats as to constitute a cattery, nor more than six birds. Household pets shall not include the keeping of “dangerous animals,” “vicious animals,” “wild animals,” or “livestock,” as defined in Title 4 of the Brigham City Code. Furthermore, household pets shall not include exotic, pygmy, or dwarf variations of animals defined as either “wild animals” or “livestock” in Title 4 of the Brigham City Code, including but not limited to miniature horses, pygmy goats, and Vietnamese pot-bellied pigs, notwithstanding that such animals may be kept as household pets by residents of other communities.

Independent Cannabis Testing Laboratory. A person, corporation, partnership, association, company, or other entity that:

A. Conducts a chemical or other analysis of cannabis or a cannabis product; or

B. Acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.²⁰

Inundation. Ponded water or water in motion of sufficient depth or velocity to damage property, due to the presence of the water or to the deposit of silt.

Jail. A facility established and operated by the County, either directly or under a contract with a private provider, for confinement of persons in lawful custody.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

Junk Yard. The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

Juvenile Detention Facility. A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for temporary detention of delinquent juveniles.

Juvenile Secure Facility. A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for incarceration of delinquent juveniles.

Kennel, Commercial. Any place where three (3) or more dogs older than six (6) months are kept for the primary purpose of sale or for the boarding, care, or breeding of which a fee is charged or paid.

Kennel, Sportsman. A private kennel for three (3) to five (5) dogs for noncommercial use, which is located on a lot of least one acre.

Land Use Application. An application required by Brigham City’s Land Use Ordinances.

Land Use Authority. A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

Land Use Ordinance. A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

Land Use Permit. A permit issued by a land use authority.

Legislative Body. The Brigham City Council.

Licensed Family Group Child Care Provider. A child care provider who cares for nine (9) to sixteen (16) children unrelated to the licensee for less than 24 hours a day with a regularly scheduled, ongoing enrollment, for direct or indirect compensation in the provider’s home, and who meets all standards and requirements of the State of Utah’s rules for Licensed Family Child Care. Licensed Family Group Child Care shall be a Home Occupation subject to the approval of requirements of Chapter 29.30. Licensed Family Group Child Care providers shall obtain conditional use approval, approval of the State of Utah and a business license prior to operation. A conditional use approval for Licensed Family Group Child Care shall be issued to the applicant and shall expire upon lapsing of a business license or State of Utah license, or at such time that the applicant is no longer residing at the address at which approval is granted.

Livestock. Any normally domesticated animal that is ordinarily kept on a farm, such as cattle, swine, sheep, goats, mules, burros, horses, geese, ducks, turkeys, llamas, etc.

Local Governing Body. See Governing Body.

Local Health Officer. The health officer or department employed by the Bear River Health Department.

Local Jurisdiction. Brigham City, Utah.

²⁰ Ordinance No. 19-20, 11/7/2019

Lot. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

Lot Depth. The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

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

Lot Frontage Required. The length of the front lot line, which is coterminous with the front street line.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, adjacent to the architectural front or main entry. The lot line, front shall be used for address designation.

Lot Line, Rear. Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10') feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.

Lot Line, Side. Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot, Restricted. A lot having an average slope of twenty-five percent (25%) or more or which does not contain a buildable area of at least seventy-five feet (75') by one hundred feet (100') with an average slope of less than fifteen percent (15%), such lot being prohibited as a building site, or being required to be increased in area and width, and regulated and allowed to be developed only as required by the planning commission.

Lot Right-of-Way. A strip of land of not less than sixteen (16') feet in width connecting a lot to a street for use as private access to that lot.

Lot Width. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

Lot, Unrestricted. A lot having an average slope of less than twenty-five percent (25%) and containing a buildable area of at least seventy-five feet (75') by one hundred feet (100') with an average slope of less than fifteen percent (15%), which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen (15%) percent.

Manufactured Home. A transportable, factory built housing unit constructed on or after June 15, 1976. According to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials acceptable to the City building codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Box Elder County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

Marquee. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Martial Arts Studio. A place for teaching, training or providing friendly competition of any of the traditional forms of Oriental self-defense or combat that utilize physical skill and coordination without weapons, such as karate, aikido, judo, kung fu, or tae kwon do. ²¹

Medical Cannabis Pharmacy. A person, corporation, partnership, association, company, or other entity that:

- A. Acquires or intends to acquire:
 1. Cannabis in a medical dosage form or a cannabis product in a medicinal dosage form from a cannabis processing facility; or
 2. A medical cannabis device; or
- B. Possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and
- C. Sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal

²¹ Ordinance No. 09-02, 2/19/09

dosage form, or a medical cannabis device to a medical cannabis cardholder.²²

Mobile Home. A detached, single-family dwelling unit of not less than thirty feet (30') in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or a shower bath, kitchen facilities, and plumbing and electrical connections provided for except for connections to utilities and other minor work. Pre-sectionalized, modular, or prefabricated houses not placed on a permanent foundation shall be regarded as mobile homes; if placed upon a permanent foundation, such structures which meet all applicable building and housing codes shall not be considered as mobile homes, but shall be regulated as conventional housing; and mobile homes which are placed on permanent foundations and meet all applicable building and housing codes shall be regulated as conventional housing.

Mobile Home Lot. A lot within a mobile home subdivision, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Park. A space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the zoning title and mobile home park title for mobile home parks.

Mobile Home Space. A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Stand. That part of the mobile home space which has been reserved for the placement of the mobile home and its appurtenant structures or additions.

Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

Model Home/Temporary Sales Office. A structure that is used for the marketing of lots or structures in the subdivision or contiguous property in which they are located, with the following criteria.²³

A. The Model Home/Temporary Sales Office must be reverted to a use that complies with the current ordinances or removed when the subdivision is more than 80% developed or has been occupied as a Model Home/Temporary Sales Office for three (3) years, whichever comes first.

B. Adequate off-street parking is provided.

C. Front and side yards are landscaped in a manner conducive to the neighborhood. The rear yard is maintained in a weed free manner.

D. An exterior lighting plan is provided indicating the location, direction and timing of all lighting on the site.

E. A signage plan is provided indicating the size and location of all signs. All signs shall be in conformance with the sign ordinance.

F. The hours of operation must be approved by the Planning Commission.

G. The structure shall not be used as a personal residence, general real estate office, or construction management office for off-site development, while serving as a Model Home/Temporary Sales Office.

H. The structure is conducive to the neighborhood.

Modular Home. A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.

Motel. A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

Non-Complying Building or Structure. A structure that:

A. Legally existed before its current land use designation; and

B. 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.

Non-conforming Use. A use of land that:

A. Legally existed before its current land use designation;

B. Has been maintained continuously since the time the land use ordinance governing the land changed; and

C. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Non-Depository Institution. A financial business, other than a depository institution such as a bank, credit union, mortgage tender or savings and loan association, that is registered by the State of Utah pursuant

²² Ordinance No. 19-20, 11/7/2019

²³ Ordinance No. 06-17, 07/07/05

to the Check Cashing Registration Act or the Title Lending Registration Act. Specifically included are the following:

A. **Check Cashing Business.** A person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan. "Check Cashing Business" does not include Depository Institutions, as defined by the State of Utah. "Check Cashing Business" also does not include a retail seller engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding one percent (1%) of the check or as a service fee that is incidental to its main purpose or business.

B. **Payday Loan Business.** An establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.

C. **Title Loan Business.** An establishment providing short term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.

D. **Deferred Deposit Lender.** A business that conducts transactions where a person presents to a check casher a check written on that person's account or provides written or electronic authorization to a check casher to effect a debit from that person's account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specific date.

E. **Other.** Also included are any other business that offers deferred deposit loans, title loans, check cashing services and loans for payment of a percentage fee exceeding one percent (1%) of the check or one dollar (\$1.00) as a service fee that is incidental to its main purpose or business. ²⁴

Nursing Home. An intermediate care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment, require assistance and/or supervision on a twenty-four (24) hour per day basis. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

Office, Business. A building or room where executive, management, or administrative services are provided. Typical uses include, but are not limited to, real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

Office, Professional. A building or room where an individual or group of individuals provide a service that involves either some skill or knowledge, or that requires connections to other businesses not easily or readily available to the general public (examples include, but are not limited to, physicians, dentists, lawyers, architects, financial services, stockbrokers, consultants, engineers, land use planners, etc.). This definition includes medical, dental, and chiropractic offices. ²⁵

Official Map. A map or maps which has been adopted as the official map of the local jurisdiction, showing existing public streets, streets on plats of subdivisions which have been approved by the planning commission, and/or other street extensions, widening, narrowing, or vacations which have been accurately surveyed and definitely located.

Off-street Parking Space. The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Title.

Off-site Facilities. Improvements not on individual lots but generally within the boundaries of the subdivision which they serve, and as further outlined in this Title.

On-site Facilities. Construction or placement of the dwelling and its appurtenant improvements on a lot.

Open Space. The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of planned unit developments.

Open Space, Usable. Usable open space shall be any portion of a lot or building which meets all the following conditions:

A. The space shall be open to the sky or shall be open to view on at least two sides.

B. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.

C. The space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the zoning administrator to assure reasonably safe usage by children and adults.

D. The space shall not be provided from any required front or side yard, parking area, or driveway space.

²⁴ Ordinance No. 09-02, 2/19/09

²⁵ Ordinance No. 09-02, 2/19/09

Owner. The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees, or successors in interest.

Package Agency. Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

Parapet. The extension of a false front or wall above a roofline.

Parcel of Land. See "Lot."

Park and Ride Facilities. An off-street parking facility designed or intended to accommodate commuter traffic into or out from the community. The facility is designed to encourage transfer from a private vehicle to another form of transportation mean whether public transit or carpooling.

Pawn Shop. Any person, firm, corporation, or business which loans money on deposit of personal property, or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. ²⁶

Parking Lot. An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

Pedestrian-way. See "Crosswalk."

Permanent Cosmetics. A mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.

Personal Services. Establishments primarily engaged in providing individual services generally related to personal needs of a frequent or recurrent nature. Typical uses include, but are not limited to, beauty and barber shops, tanning and nail salons, shoe repair shops, and tailor shops. The term excludes Tattoo Establishment. ²⁷

Planned District. A zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the zoning title, after public hearing, as required for other zoning districts.

Planned Unit Development (PUD). An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

Plot Plan. A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

Price-Point Retail Establishment. A retail establishment selling a general variety of inexpensive items primarily priced at one to five dollars or less.

Primarily Residential. For purposes of this Title and any applicable state law means the following zoning districts:²⁸

- A. Rural Residential District R-R-1
- B. Rural Residential District R-R-5
- C. Rural Residential District R-R-10
- D. Residential District R-1-40
- E. Residential District R-1-20
- F. Residential District R-1-12
- G. Residential District R-1-10
- H. Residential District R-1-8
- I. Residential District R-M-7
- J. Residential District R-M-15
- K. Residential District R-M-30

Prison. A facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by a private provider pursuant to the provisions of Utah Code or successor law. ²⁹

²⁶ Ordinance No. 09-02, 2/19/09

²⁷ Ordinance No. 09-02, 2/19/09

²⁸ Ordinance No. 19-20, 11/7/19

²⁹ Ordinance No. 09-02, 2/19/09

Private Nonprofit Locker Club. A social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

Private Nonprofit Recreational Grounds and Facilities. Nonprofit recreational grounds and facilities operated by a nonprofit corporation, association, or group.

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

- A. abused or neglected children awaiting placement in foster care;
- B. pregnant or parenting teens;
- C. victims of sexual abuse; or
- D. victims of domestic abuse.

Public Buildings. Buildings which are under the ownership or control of the United States Government, the State of Utah or any subdivision thereof, Box Elder County, or Brigham City Corporation, or any departments or agencies thereof.³⁰

Reasonable Accommodation. A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:

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

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

C. "Equal opportunity" Achieving equal results as between a person with a disability and a non-disabled person.

Recreational Coach. A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

Recreational Coach Park. Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational coaches for a temporary time not to exceed one-hundred eighty (180) days. The purpose of said park is to provide a seasonal type of recreational living and not a permanent habitable living condition. Such park may also be designated as "Overnight Park."

Recreational Coach Space. A plot of ground within a recreational coach park designated and intended for the accommodation of one (1) recreational coach.

Rehabilitation/Treatment Facility. A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A Rehabilitation/ Treatment Facility does not include a residential facility for persons with a disability.

Religious Institution. A building or facility which is used primarily for religious worship and related religious activities.

Repair Services. Establishments primarily engaged in the provision of repair services to households, rather than businesses. Typical services include, but are not limited to, appliances, heating and air conditioning, and plumbing.³¹

Residence. A place where an individual is actually living at a given point in time and not a place of temporary sojourn or transient visit.

Residential Certificate Child Care Provider. A child care provider who cares for one (1) to eight (8) children in the provider's home, having a regular scheduled, ongoing enrollment, for direct or indirect compensation. A residential certificate child care provider may not care for more than eight children including the provider's own children under age four. The provider also may not care for more than two children under age two, including the owner's own children under age two. Residential certificate child care is a Home Occupation subject to the approval requirements of Chapter 29.30. A residential certificate child care provider shall be required to obtain approval of the State of Utah, if required by the State of Utah, and a business license prior to operation. Home occupation approval for Residential

³⁰ Ordinance No. 09-02, 2/19/09

³¹ Ordinance No. 09-02, 2/19/09

Certificate Child Care shall be issued to the applicant and shall expire upon lapsing of a business license or State of Utah license, or at such time that the applicant is no longer residing at the address at which approval is granted.

Residential Facility for Elderly Persons. A dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility:

A. operated as a business; provided that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;

B. where persons are placed:

1. for alcoholism or drug abuse treatment; or

2. as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;

C. which is a health care facility as defined by Utah Code or successor law, or

D. which is a residential facility for persons with a disability.

Residential Facility for Persons with a Disability. See Utah Code, Title 10, Chapter 9a, Section 103 Definitions or successor law.

School, Charter. A school approved by a chartering entity in accordance with The Utah Charter Schools Act or successor law.

School, Private. A school which is operated by a quasi-public or private group, individual, or organization, and which has a curriculum similar to that provided in any public school in the state of Utah. Private schools may be nonprofit, or profit-making establishments.

School, Public. A school operated by a school district or other public agency in the state of Utah.

Secondhand Store. See "Thrift Store."

Self-Service Enclosed Storage Facility. A structure, or structures commonly referred to as storage units, containing separate enclosed, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any self-storage enclosed storage facility:³²

A. Commercial, wholesale or retail sales, or miscellaneous or garage sales.

B. The servicing, repair or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment.

C. The operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar equipment.

D. The establishment of a transfer business.

E. Any use that is noxious or offensive because of odors, dust, noise or vibrations.

Self-Service Outside Storage Facility. The use of any lot, portion of a lot, or tract of land for outside storage of operative automobiles, trucks, recreational vehicles, boats, trailers or non-motorized storage, containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. The following activities are prohibited within any self-storage outside storage facility:³³

A. Commercial, wholesale or retail sales, or miscellaneous or garage sales.

B. The servicing, repair or fabrication of motor vehicles, boats, trailers, small engine equipment or similar equipment.

C. The establishment of a transfer business.

D. Junk yard or impound yard.

E. Storage of non-motorized storage shall not exceed the height of the screened fence.

F. Any use that is noxious or offensive because of odors, dust, noise or vibrations.

Sexually-Oriented Business. Those land uses subject to regulation under Chapters 14.19 and 29.31 of the Brigham City Code.

Sheltered Workshop. A nonresidential facility providing supervised educational or vocational training facilities for persons with a disability.

Shopping Center. A group of three or more commercial establishments that is planned, developed and managed as a unit with common areas for off-street parking and landscaping provided on the property.³⁴

Site Plan. A plan required by, and providing the information required by, Section 29.01.130.

Spa Fitness Center. A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness.

³² Ordinance No. 11-30, 12/1/11

³³ Ordinance No. 11-30, 12/1/11

³⁴ Ordinance No. 09-02, 2/19/09

Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

Specialty Retail Store. Establishments which engage in the sale of specialty goods and incidental services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure, with the exception of occasional outdoor on-site promotions. Sidewalk (public right-of-way) sales require approval according to the City Code. Typical uses include, but are not limited to, gift shops, hobby and craft shops, jewelry, pottery, leather goods, art needlework, picture frames, china and silver shops, and interior decorating shops. Work conducted on the premises includes handicraft production such as pottery, jewelry, picture frames, or leather goods. Goods assembled or produced on the premises must be for sale on the premises. This is a broad definition which is intended to include all specialty retail sales and services.

Social Hall. A building, room, or facility owned or maintained by an association or organization for the social and/or recreational purposes of certain groups. This may include a meeting hall, reception center, cooking and dining facilities for large groups, but shall not provide overnight lodging.³⁵

Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for hire, remuneration, or sale.

Stable, Public. Any stable where horses are boarded and/or kept for hire.

State Store. An outlet for the sale of liquor located on the premises, said premises owned or leased by the State of Utah.

Story. As defined by the current adopted International Building Code.³⁶

Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building."

Subdivision, Cluster. A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Title and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

Support Staff. Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.

Surgical Center. A medical office or facility designed and used specifically for same day surgery.³⁷

Tattoo. A mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye or ink in the skin, excluding permanent cosmetics.

Tattoo Establishment. Any location, place, area, structure or business used for the practice of tattooing or the instruction of tattooing, including Body Art Facilities as defined by the Bear River Health Department which includes body piercing, scarification and branding (see Ordinance No. 06-04), excluding permanent cosmetics establishments.³⁸

Taxi Hub. A place or facility that stores and may include servicing, repairing, and fueling of taxi vehicles.

Taxi Service. A service that offers transportation in passenger automobiles and vans to persons including those who are disabled in return for remuneration.

Thrift Store. A retail establishment that engages in the purchase and/or resale of used goods such as clothing, furniture, appliances, books, and other household items.

Towing and Impound Yard. The temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard.³⁹

Towing Services. The removing of a motor vehicle by towing, carrying, hauling, or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound lot. This shall not include an automotive service use that has a tow truck and repairs vehicles on-site.

Trade or Vocational School. A post-high school educational or vocational training facility.

Transfer Company. See "Freight Transportation Service."⁴⁰

Transitional Housing Facility. A facility owned, operated or contracted by a governmental entity or a charitable, nonprofit organization which provides free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances.

A transitional housing facility does not include:

- A. a homeless shelter;

³⁵ Ordinance No. 09-02, 2/19/09

³⁶ Ordinance No. 14-10, 9/18/14

³⁷ Ordinance No. 09-02, 2/19/09

³⁸ Ordinance No. 06-04, 4/20/06

³⁹ Ordinance No. 11-30, 12/01/11

⁴⁰ Ordinance No. 09-02, 2/19/09

B. a dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than thirty (30) days; or

C. a residential facility for persons with a disability.

Truck Stop and Service Facilities. A facility intended to provide services to the trucking industry, including but not limited to, dispensing of fuel, servicing, repair, automated washes and overnight parking. The facility may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.⁴¹

Vacation Rental. A dwelling meeting the requirements of Section 29.05.260, in the Supplementary and Qualifying Regulations Chapter of this Title or successor law, which is rented out by the day for a period less than thirty (30) consecutive days, for pay, offering overnight lodging to vacationers where the owner(s) live within the City limits.⁴²

Vicinity Plan. A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred feet (300') of the property proposed for development.

Yard. A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Title.

Yard, Front. A space on the same lot with a building, between the front line of the building 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 front lot line and the front line of the building.

Yard, Rear. A space on the same lot with a building, between the rear line of the 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 rear lot line and the rear line of the building.

Yard, Side. A space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Zone. See "District."

Zoning Ordinance. The Zoning Ordinance is Land Use Ordinance of Brigham City.

⁴¹ Ordinance No. 09-02, 2/19/09

⁴² Ordinance No. 12-16, 12/06/12