

# Title 9 – Land Management Code

## Chapter 2

### DEFINITIONS

#### 9-2-1: 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 includes the plural; the word "build" used in its verb form shall include the words arrange, design, construct, alter, convert; the word "shall" is mandatory and not directory; 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 first as defined in any other ordinance adopted by the town, and then its common, ordinary meaning.

**ACCESSORY USE:** A use on the same lot with, and customarily incidental and subordinate to, the principal use. (Ord. 15-004, 4-28-2015)

**ACCESSORY STRUCTURE:** A structure that is customarily incidental and subordinate to the principal building on the property and is physical detached to the principal building. (Ord. 15-004, 4-28-2015)

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

**AGENT:** Any person who can show written proof that he/she is acting for the property owner and with the property owner's knowledge and permission.

**ALL WEATHER SURFACE:** A durable vehicular driving surface, including compacted road base/gravel, concrete, asphalt or other similar material.

**ALLEY:** A public or private right of way primarily designed to serve as secondary access to the side or rear of properties.

**ALTERATIONS:** Any change, addition or modification in the supporting members of a building, such as bearing walls, columns, beams or girders, or electrical, plumbing or mechanical system alterations.

**APPEAL AUTHORITY:** The appointed person designated by ordinance to decide an appeal of

a decision of a land use application or a request for variance. The Appeal Authority shall hear and decide appeals from decisions applying the land management code. (Ord. 15-004, 4-28-2015)

**AREA OF INSTABILITY:** An area where there is a foreseeable risk of soil or rock movement as established by a soils report.

**AS BUILT DRAWINGS:** See definition of Drawings, As Built.

**ATTACHED BUILDING:** Units connected on at least one side to an adjacent unit by a common party wall or other connecting structure with separate exterior entrances.

**ATTRACTIVE NUISANCE:** Physical conditions of a property that would entice or attract entrance to the property which could result in damage to the property or injury or death to the individual.

**BALCONY:** A floor projecting from and supported by a structure without additional independent supports. (Ord. 15-004, 4-28-2015)

**BANNER:** See [chapter 14](#) of this code.

**BED AND BREAKFAST:** A dwelling where a combination of breakfast and overnight lodging is furnished for pay.

**BEGINNING OF CONSTRUCTION:** Any alteration of a site (such as grading, boring holes, pouring concrete or removal of earth, foliage, trees or underbrush) or alteration of offsite conditions related to construction.

**BUILDABLE AREA:** The portion of any site, lot or parcel within setbacks and which does not contain designated floodplain, watershed, wetlands or avalanche areas, and conforms to all minimum criteria required for the placement of a structure in accordance with this code.

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

**BUILDING AREA:** The area encompassed by the outside measurement of the building, also referred to as the "building footprint".

**BUILDING COVERAGE:**

A. The following categories shall be included in building coverage calculations:

1. The ground level (footprint) of any building;
2. The area covered by outdoor structures, such as carports, gazebos, etc.

B. "Building coverage" includes only those areas with a roofed structure.

**BUILDING ELEVATION:** The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**BUILDING HEIGHT:** The vertical distance, above the reference point, measured to the highest point of the structure directly above the reference point. The reference point shall be the elevation of the natural grade directly below the high point of the structure. The natural grade elevation shall be determined by topographic elevations surveyed before construction and submitted with the building permit application. In the absence of preconstruction elevations, the natural grade shall be reconstructed by connecting the contour lines (on a drawing) through the building, from a distance of five feet (5') outside the building wall. The maximum building height in each zone shall be as an imaginary net that is suspended at the specified distance above and parallel to the natural grade. Chimneys, however, may extend five feet (5') above this imaginary net.

**BUILDING OFFICIAL:** The person designated as the Building Inspector of Brian Head Town by the Town Manager.

**BUILDING, PUBLIC:** A building owned and/or operated by a public agency of the United States of America or of the state of Utah or any of its subdivisions, including Brian Head Town.

**CARPORT:** A covered structure not completely enclosed by walls or doors that is intended for parking of vehicles. For the purposes of this title, a carport shall be subject to all regulations prescribed for a private garage.

**CAR WASH:** A building containing equipment meant for facilitating the washing or detailing of motor vehicles either automatically or manually. This does not include temporary car wash events, traveling car detailing services, or other such activities that don't involve fixed specialized car washing bays or equipment. (Ord. 17-004, 7-11-2017).

**CHILDCARE CENTER:** 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, maintained and controlled by a religious organization where persons regularly assemble for worship.

**CONCEPT PLAN:** An abbreviated building plan submitted to determine the basic feasibility of a design for which a building permit is needed or required.

**CONDOMINIUM:** A form of real property ownership in which the purchaser of each unit air space of an apartment building or in a complex of multi-unit dwellings acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, hallways, etc.). (Ord. 15-004, 4-28-2015)

**CONSOLIDATED FEE SCHEDULE:** The schedule of fees, established by resolution by the Brian Head Town Council, to cover administrative costs associated with various land use applications and other town services (Ord. 15-004, 4-28-2015)

**COURTYARD:** An outdoor yard enclosed on more than fifty percent (50%) of its perimeter by building walls.

**COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):** A document of restrictive provisions for a particular plat, parcel or property recorded in the office of the Iron County Recorder. CC&Rs are sometimes required for planned unit developments or other subdivision and condominium plats. (Ord. 15-004, 4-28-2015)

**DECK:** An exterior floor supported by an adjacent structure and/or posts, piers or other independent supports. (Ord. 15-004, 4-28-2015)

**DENSITY:** The number of nonresidential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. "Density" is a function of both number and type of dwelling units and/or nonresidential units and the land area. (Ord. 15-004, 4-28-2015)

**DESIGN GUIDELINES:** The document adopted by the Brian Head Town Council to direct and guide the aesthetics of development in Brian Head Town.

**DRAINAGEWAY:** Collect, flow or are channeled depression in the earth's surface such as swales, ravines, draws and hollows in which surface waters collect or are channeled as a result of rain or melting snow. (Ord. 15-004, 4-28-2015)

**DRAWINGS, AS BUILT:** Construction drawings of a building or other improvements modified or edited (showing changes) that is a true representation of building or project dimensions, materials and details as actually constructed. (Ord. 15-004, 4-28-2015)

**DRIVEWAY:** A private driving access from any public right of way or private street, to a parking space or entrance of a parking garage, the use of which is limited to no more than four (4) residences.

**DWELLING, MULTI-FAMILY:** A building arranged or designed to be occupied by two (2) or more families and having more than one dwelling unit.

**DWELLING, SINGLE-FAMILY (RESIDENCE):** A building arranged or designed to be occupied by one family.

**DWELLING UNIT:** Any building or portion thereof, designed and used for the sleeping place of one or more persons or a family, but not including a tent or recreational vehicle, that meet Utah State health and safety requirements. (Ord. 15-004, 4-28-2015)

**EASEMENT:** That portion of a property reserved for present or future use by a person or agency, other than the legal owners of the property. The easement may be for use under, on or above said property.

**FAMILY:** A single individual, doing their own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond, or no more than four (4) unrelated persons, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**FILL:** Any rock, soil, gravel, sand or other similar approved materials. (Ord. 15-004, 4-28-2015)

**FINAL PLAT:** A subdivision map or condominium map prepared in accordance with the provisions of this title, other applicable ordinances and laws, which shall be placed on record in the office of the Iron County Recorder.

**FIRE PROTECTION:** Water supply, water lines, fire hydrants and other devices as may be required in accordance with this title and other applicable ordinances for the protection of structures, furnishings and inhabitants from fire.

**FLOOD HAZARD:** A hazard to land or improvements due to the potential inundation or overflow

of water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses. (Ord. 15-004, 4-28-2015)

**FLOODPLAIN:** Areas adjoining a watercourse, lake or other body of water that have been or may be covered by floodwaters.

**FLOOR AREA:** Area included within surrounding interior walls of a building, or portion thereof, exclusive of vents, shafts and courtyards.

**FRONTAGE, LOT OR PROPERTY:** The length of the property line bordering any public street  
(also see definition of Lot Line, Front).

**GARAGE:** An accessory building designed or used for the storage of private motor vehicles owned by the occupants of the building. A garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

**GAS STATION:** A building, or portion thereof, designed or used for selling gasoline and/or diesel fuel for cars and trucks, and/or for servicing or repairing motor driven vehicles for pay. (Ord. 15-004, 4-28-2015)

**GENERAL PLAN:** A document prepared and adopted by the Brian Head Town Council pursuant to Utah Code Annotated section 10-9a-401 et seq., containing long range growth policies and general guidelines for proposed future growth and development of the land within Brian Head Town.

**GEOLOGICAL HAZARD:** A hazard due to the movement, failure or shifting of the earth which is dangerous or potentially dangerous to life, property or improvements, as established by a soils report.

**GRADE, DRIVEWAY/ROAD/STREET:** Slope measured at any point along a driveway, road or street over a distance of twenty feet (20') running parallel with the direction of travel (see definition of Slope).

**GRADING:** Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

**HABITABLE SPACE:** A space in a building for living, sleeping, eating, cooking, and including bathrooms or toilet rooms. Closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (Ord. 15-004, 4-28-2015)

**HARD SURFACE:** A durable vehicular driving surface material such as concrete, asphalt pavement or brick pavers (not including road base or gravel).

**HEAVY EQUIPMENT:** Pieces of machinery or vehicles primarily employed for industrial uses such as construction, excavation, demolition, earthwork, snow removal, etc. Examples include excavators, loaders, dozers, graders, backhoes, cranes, forklifts, man lifts, dump trucks, water trucks, snowcats, concrete mixers and the like. Vehicles and equipment intended primarily for

recreational use such as recreational vehicles, camping trailers, boats, ATV's, horse trailers, etc. are not considered heavy equipment.

Heavy equipment attachments or implements are removable and complementary equipment to one piece of heavy equipment. Examples include a loader bucket, excavator shear, snow plow blade, loader forks, etc.

Heavy equipment trailers are non-self-propelled vehicles employed primarily to transport heavy equipment or otherwise facilitate the aforementioned industrial uses. Trailers intended primarily for transportation of recreational vehicles or other non-industrial uses are not considered heavy equipment trailers. (Ord. 16-007, 11-08-2016)

**HOME OCCUPATION:** Any income producing activity conducted primarily within a dwelling and carried on by persons residing in the dwelling unit; which use is clearly incidental and secondary to the use of the home for dwelling purposes. (Ord. 15-004, 4-28-2015)

**HOTEL:** A building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis, and accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, such as daily maid service. These terms do not include lockout units or bed and breakfast inns. (Ord. 15-004, 4-28-2015)

**IMPROVEMENTS:** Objects, devices, facilities or utilities required to be constructed or installed. Such improvements may include, but are not limited to, street construction. (Ord. 15-004, 4-28-2015)

**KENNEL:** Any premises where animals are kept for compensation. (Ord. 15-004, 4-28-2015)

**LANDSCAPING:** Improvements made to the appearance of an area of land, including trees, shrubs, flowers and grass that is harmonious with surrounding area and structure. Landscaping may include natural vegetation which is undisturbed, trails and unpaved walking areas. "Landscaping" may not be counted toward the minimum landscape requirements unless it is a minimum two feet (2') in the narrowest dimension. (Ord. 15-004, 4-28-2015)

**LIGHT MANUFACTURING:** Fabrication operations in which all processing, curing, compounding, packaging, treatment, assembly, or disassembly or items takes place wholly within an enclosed building and generates little to no external noise, smoke, fumes, or odors. (Ord. 17-004, 7-11-2017).

**LOT:** A unit of land described in a recorded subdivision plat. (Ord. 15-004, 4-28-2015)

**MASTER PLANNED DEVELOPMENT:** Flexible planning approach as defined in Chapter 11, Flexible Approaches, of this title. (Ord. 15-004, 4-28-2015)

**MODULAR BUILDING:** A permanent building which consists of one or more units which has been wholly, substantially or primarily prefabricated at an offsite or on site location and transported to the site for final assembly and finishing on a permanent foundation provided specifically for it on the site. A "modular building" is other than a mobile home or a recreational vehicle.

**MOTEL:** A building or group of buildings containing individual sleeping or living units which is designed and used primarily for the accommodation of transient automobile travelers and having automobile parking immediately adjacent. (Ord. 15-004, 4-28-2015)

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

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure, or portion thereof, lawfully existing at the time the provisions of this title governing the structure became effective, and because of one or more subsequent changes in this title does not now conform to the setback, height restrictions, or other regulations of this title, excluding those regulations which govern the use of land.

**NONCONFORMING STREET:** A road or street, or portion thereof, lawfully existing at the time this title governing streets, or subsequent changes, became effective which does not now conform to the width, slope, surface or other standards required by this title.

**NONCONFORMING USE:** A use of land that legally existed before its current land use designation, has been maintained continuously since the time the provisions of this title governing the land changed, and because of one or more subsequent changes to this title, does not now conform to the regulations that now govern the use of the land.

**OFF SITE IMPROVEMENTS:** Improvements to be constructed outside the property boundaries.

**OFF STREET PARKING SPACE:** The space required to park one passenger vehicle, which space shall meet the requirements of this title and other applicable ordinances.

**ON SITE IMPROVEMENTS:** Construction or placement of improvements within the property to which they pertain.

**OUTDOOR DISPLAY:** An outdoor arrangement of objects, items, products or other materials, not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a service or product for sale.

**OUTDOOR RETAIL SALES:** An establishment or premises where business is conducted outdoors or within a temporary structure, from covered or open air areas on a temporary or seasonal basis, for the purpose of retail sales of goods or services such as landscaping or nursery products, trees for decoration or ornamentation, food and recreational products to the general public.

**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 assignees or successors in interest. (Ord. 15-004, 4-28-2015)

**PARCEL:** An un-platted unit of land described by metes and bounds and designated by the County Recorder with an unique tax identification number. (Ord. 15-004, 4-28-2015)

**PARKING, COVERED:** If required, all parking will be identified within in the footprint of the building structure. (Ord. 15-004, 4-28-2015)

**PARKING LOT:** An area, other than a street, including ramps and driveways, used for the temporary parking of more than four (4) automobiles.

**PARKING SPACE:** Space within a building, lot or parking lot, for the parking or storage of one motor vehicle, measuring at least nine feet by eighteen feet (9' x 18') for indoor parking spaces and ten feet by twenty feet (10' x 20') for outdoor parking spaces.

**PEDESTRIANWAY:** A right of way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian way may be located within a street right of way and/or separated from vehicular traffic. (Ord. 15-004, 4-28-2015)

**PERMANENT MONUMENT:** Any structure of concrete, masonry and/or metal permanently placed on or in the ground for surveying reference.

**PERMITS:** A document issued by the appropriate agency, authorizing a particular activity.

**PLANNING COMMISSION:** The Brian Head Town Planning Commission, established pursuant to authority granted by Utah Code Annotated section [10-9a-301](#), as amended, or predecessor section.

**PRELIMINARY PLAT:** The drawings prepared to indicate the proposed layout of a subdivision for the purpose of resolving most technical details in compliance with all regulations.

**PRIVATE ROAD:** See definition of Street, Private.

**PROJECT:** A building or improvements to buildings constructed on a lot or parcel that is "platted" and recorded on a separate plat with the Iron County Recorder's office and representing to the public a single identity for commercial and/or residential purposes. (Ord. 15-004, 4-28-2015)

**PROTECTION STRIP:** A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by the property abutting the subdivision.

**PUBLIC UTILITIES:** Includes every common carrier, pipeline corporation, gas corporation, electric corporation, telecommunication corporation, water corporation, etc., where the service is performed for the commodity delivered to the public, or any portion thereof.

**RECORDER'S OFFICE:** The office of the Iron County Recorder, Utah.

**RESIDENCE:** See definition of Dwelling.

**RESIDENT:** Any person who resides in Brian Head Town, considering it as his or her primary residence. Evidence of primary residence may be a voter registration card, driver's license or state issued identification card with a Brian Head Town address.

**RESIDENTIAL PLANNED DEVELOPMENT (RPD):** Flexible planning approach as defined under Chapter 11 of this title. (Ord. 15-004, 4-28-2015)

**RETAINING WALL:** A wall designed to resist the lateral displacement of soil or other materials. (Ord. 15-004, 4-28-2015)

**ROOFLINE:** The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**SCHEMATIC SUBDIVISION PLAT:** An abbreviated subdivision plat submitted to determine the basic feasibility of a subdivision (see requirements in [chapter 4](#) of this title, table 3).

**SETBACK:** Minimum distance between the property line and any buildings on the property.

**SIGN:** See [chapter 14](#) of this title, "Sign Regulations".

**SLOPE:** An expression of the steepness of rise or fall in elevation measured along a line perpendicular to the contours of the land. A vertical rise of ten feet (10') between two (2) points one hundred feet (100') apart, measured on a horizontal plane, is a ten percent (10%) slope (5.7 degrees).

**SPA:** A commercial establishment providing services, typically including massage, body or facial treatments, makeup consultation and application, manicures, pedicures and similar services, but excluding beauty and barber shops. (Ord. 15-004, 4-28-2015)

**STABLE, PRIVATE:** A detached accessory building for the keeping of equine owned by the occupants of the premises and not kept for hire, compensation or sale.

**STABLE, PUBLIC:** Any stable where equine are boarded and/or kept for hire.

**STORY:** The space within a building included between the surface of any floor and the surface of the next floor or the roof of the building.

#### **STREET SYSTEMS:**

- A. Street, Collector: A street, existing or proposed, which is the main means of access to the major street system.
- B. Street, Cul-De-Sac: A minor terminal street provided with a turnaround.
- C. Street, Major: A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
- D. Street, Minor: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve the local needs of a neighborhood.
- E. Street, Private: A thoroughfare within a subdivision, condominium project or MPD/RPD which has been reserved by dedication unto the sub divider or lot owners to be used as

private access to serve the lots or condominiums platted within the subdivision and complying with the adopted street cross section standards of this town and maintained by the sub divider or other private agency.

- F. **Street, Public:** A thoroughfare which has been dedicated to Brian Head Town and accepted by the Brian Head Town Council, which the town has acquired by prescriptive right or which the town owns, or offered for dedication on an approved final plat, or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

**STRUCTURE:** Anything constructed, the use of which requires fixed location on the ground, or attachments to something having a fixed location upon the ground; includes "building".

**SUBDIVISION:** The result of the division of any tract, lot, parcel, or land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale, lease or of building development, including:

- A. The dedication of a road, highway or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision".
- B. Division or re-subdivision of land into lots, sites or parcels.
- C. Division of land under RPD/MPD provisions where street and/or access to lots are owned and maintained by a private lot owners' association. (Ord. 15-004, 4-28-2015)

**TEMPORARY STRUCTURES:** A structure built and maintained during construction of a development, activity or special event and then removed prior to release of the performance guarantee; not including entertainment structures (i.e. bouncy houses, carnival rides, tent or canopy less than 200 sq. ft. in area, etc.) used for less than two (2) calendar days before and two (2) calendar days after the event in any calendar year, unless modified by a conditional use permit. Structures erected by public and private utilities for not more than ninety (90) calendar days in any calendar year, or emergency response structures erected during the duration of the event. (Ord. 15-004, 4-28-2015)

**TOWN MANAGER:** The Chief Executive Officer of the Town of Brian Head, Utah. (Ord. 15-004, 4-28-2015)

**TOWN COUNCIL:** The legislative body of Brian Head Town.

**TOWN STAFF:** The administrative employees of Brian Head Town.

**TOWNHOUSE OR TOWNHOME:** One of a group of several dwellings with common architectural treatment, having one or more common walls where the owner owns the land under, in front, in back, and perhaps on one side of the residential building.

**UNDISTURBED LOT AREA:** Land that is left in its native state and is not interrupted for clearing, grading, filling, used for storage of soil or construction materials, or otherwise affected for land use development. It specifically does not preclude removal of dead trees, thinning undergrowth or similar conservation practices, or the creation and maintenance of unpaved trails as part of the town trail system. (Ord. 15-004, 4-28-2015)

**WATERCOURSE:** A running stream of water; a natural stream, including rivers, creeks, irrigation ditches, etc. It may sometimes be dry but must flow in a defined channel.

**ZONE DISTRICT:** A portion of the territory of the town established under 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". (2010 Code amd. Ord. 15-004,4-28-2015).

**ZONING ADMINISTRATOR:** The person designated for the administration of zoning in Brian Head Town by the Town Manager. (Ord. 08-016, 8-12-2008; amd. 2010 Code)