

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 DWELLING UNIT (ADU): A dwelling unit defined as a secondary living space on a property that shares a lot and ownership with the primary residential structure. ADUs can be a basement apartment, a garage conversion, or an addition to the house (internal ADU). They can also be a stand-alone structure on the lot (detached ADU). Ord. 26-001, 2-10-26

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 physically detached from the principal building. (ord. 15-004, 4-28-2015, amd. Ord. 24-014, 10-8-2024)

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 they are acting for the property owner and with the property owner's knowledge and permission. (amd. Ord. 24-014, 10-8-2024)

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, girders, or electrical, plumbing or mechanical system alterations.

APPEAL AUTHORITY: The appointed person, board, commission, agency, or other body designated by ordinance to decide an appeal or a decision of a land use application or a request for variance. For the purposes of this title, the Appeal Authority shall hear and decide appeals from decisions applying the Land Management Code. (ord. 15-004, 4-28-2015, amd. ord. 24-014, 10-8-2024)

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

AS BUILT DRAWINGS: See the 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 title](#).

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 is 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.

CARWASH: 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: A sketch or rough drawing that may be submitted to the Town for informal review prior to the submission of a preliminary plan/plat. The purpose of the concept plan is to enable an applicant to discuss with relevant Town Staff the form of the subdivision plat/plans and the objectives of applicable regulations and requirements for subdivision approvals within the Town. (amd. Ord. 24-014, 10-8-2024)

CONDITIONAL USE PERMIT (CUP): See 9-11-2 of this title. (Ord. No. 26-001, 2-10-26)

CONDOMINIUM: See Dwelling, Multi-Family: Condominium. (amd. ord. 26-001, 2-10-26, ord. 15-004, 4-28-2015)

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

CONTAINER: Any object used for holding other objects on property. The typical usage is as storage containers used for shipping cargo on trains or boats. It is usually metal but can be made of other materials. (ord. 22-002, 5-10-2022)

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

COUNTY: Means Iron County, Utah. (amd. Ord. 24-014, 10-8-2024)

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 subdivisions 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 dwelling unit equivalents per acre or lot or units per acre. "Density" is a function of both the number and type of dwelling units and/or nonresidential units and the land area. (amd. ord. 26-001, 2-10-26, ord. 15-004, 4-28-2015)

DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT: See chapter 12 of this Title. The document adopted by the Brian Head Town Council to direct and guide the aesthetics of development in Brian Head Town. amd. ord. 26-001, 2-10-26

DEVELOPMENT AGREEMENT: A written agreement or amendment to a written agreement between the Town and one (1) or more parties that regulates or controls the use or development of a specific area of land. Development agreement does not include an improvement completion assurance. (ord. 24-014, 10-8-2024)

DRAINAGEWAY: Channeled depression in the earth's surfaces 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, amd. Ord. 24-014, 10-8-2024)

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 single building or property containing two or more separate dwelling units (e.g., Duplex, Twin Home, Triplex, Fourplex, Townhomes/Townhouse, Condominiums, Apartment building) with separate entrances, kitchens, and baths. Each type of Multi-Family Dwelling is defined below (amd. Ord. 26, 001, 2-10-26, amd. Ord. 24-014, 10-8-2024)

- A. Duplex, Town Home, Triplex, Fourplex Definition: Dwelling units that are attached to each other on one or both sides and have a common wall separation from the other Dwelling Units from the foundation to the roof. Typically, the owner of the Dwelling Unit owns the Lot on which the Dwelling Unit sits which allows them to have a front, rear, or side yard.
- B. Condominium Definition: A form of real property ownership in which the purchaser of each Dwelling Unit purchases the air space of that particular Dwelling Unit in an apartment building or in a complex of multi-unit dwellings and acquires full title to the Dwelling Unit and an undivided interest in the common elements (the land, roof, elevator, hallways, amenities, etc.). These complexes require a Homeowner's Association (HOA) that pays for the maintenance of the exterior of the building and/or common areas, insurance, and/or common utilities, etc.

- C. Apartment Definition: A self-contained housing unit that occupies only part of a building, often within a large complex with shared amenities and common utilities. Dwelling Units are typically owned by a single entity (like a corporation) in large complexes, or individually as condos/co-ops, or rented from a landlord.
- D. Townhouse/Townhomes Definition: Dwelling Units sharing side walls from foundation to roof. Property under the Dwelling Unit is owned by an owner and it may have a front, rear and side yards. The configuration of these Dwelling Units is usually in a complex of multiple buildings and has shared ownership of common amenities, private roads and utilities within the complex. Sometimes these complexes may have a Homeowner's Association (HOA) that pays for the maintenance of the exterior of the building and/or common areas, insurance and/or common utilities.

Ord. 26-001, 2-10-26

DWELLING, SINGLE-FAMILY (RESIDENCE): A building arranged or designed to be occupied by one (1) family. (amd. Ord. 24-014, 10-8-2024)

DWELLING UNIT: Any building or portion thereof, designed and used for the sleeping place of one (1) or more persons or a family, but not including a tent or recreational vehicle, that meets Utah State health and safety requirements. (ord. 15-004, 4-28-2015, amd. Ord. 24-014, 10-8-2024)

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 on the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together on 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)

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 or private street (also see definition of Lot Line, Front). amd. ord. 26-001, 2-10-26

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 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, snowplow 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)

IMPROVEMENT(S): 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)

IMPROVEMENT PLAN(S): An applicant's plans to complete all required improvements as a condition of subdivision approval, and for which the applicant may be required to post a completion assurance. Improvement plans may include studies, reports, and engineering drawings, as applicable. (ord. 24-014, 10-8-2024)

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

LAND USE APPLICANT: A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land. (ord. 24-014, 10-8-2024)

LAND USE APPLICATION: An application that is required by the Town and submitted by a land use applicant to obtain a land use decision. Land use application does not mean an application to enact, amend, or repeal a land use regulation. (ord. 24-014, 10-8-2024)

LAND USE AUTHORITY: A person, board, commission, agency, or body, including the Town Council, designated by the Town Council to act upon a land use application or if the Town Council has not designated a person, board, commission, agency, or body, the Town Council. (ord. 24-014, 10-8-2024)

LAND USE DECISION: An administrative decision of a Land Use Authority or appeal authority regarding a land use permit or a land use application. (ord. 24-014, 10-8-2024)

LAND USE PERMIT: A permit issued by a Land Use Authority. (ord. 24-014, 10-8-2024)

LAND USE REGULATION: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. A land use regulation includes the adoption of amendment of a zoning map or the text of this title. A land use regulation does not include a land use decision of the Town Council acting as the Land Use Authority, even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact a land use applicant's use of land. (ord. 24-014, 10-8-2024)

LANDSCAPING: Improvements made to the appearance of an area of land, including trees, shrubs, flowers, and grass that are 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 of 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)

MODERATE INCOME HOUSING: Housing occupied or served for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the medium gross income for households with the same size in Iron County. (ord. 24-014, 10-8-2024)

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 structure that legally existed before the structure's land use designation and because of one (1) 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 the land. (ord. 24-014, 10-8-2024)

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: Any real property that is not a lot. (ord. 24-014, 10-8-2024)

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by boundary line agreement in accordance with Utah Code Annotated §[10-20-808](#) et. Seq. if no additional parcel is created and none of the property identified in the agreement is a lot, or the adjustment is to the boundaries of a single person's parcels. Parcel boundary adjustment does not mean an adjustment of a parcel boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by the Utah Department of Transportation. (amd. ord. 26-001, 2-10-26, ord. 24-014, 10-8-2024)

PARKING, COVERED: If required, all parking will be identified within 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. (ord. 24-014, 10-8-2024)

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.

PERSON: An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity. (ord. 24-014, 10-8-2024)

PLANNING COMMISSION: The Brian Head Town Planning Commission, established pursuant to authority granted by Utah Code Annotated [§10-20-301](#).

PLAT: An instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Utah Code Annotated [§10-20-803](#) et. seq.

- A. PLAT, PRELIMINARY: Includes the preliminary plat and associated drawings which are prepared by an applicant to illustrate the proposed layout and intended construction of a subdivision resolving most technical details for the purpose of determining compliance with federal, state, and local regulations.
- B. PLAT, FINAL: A final subdivision map or condominium map prepared in accordance with the provisions of this title, other applicable ordinances, and laws, on which the applicant's plan of a subdivision is presented to the Land Use Authority for approval, and which, if approved shall be placed on record in the Iron County Recorder's Office.
- C. PLAT, MAJOR: A plat describing any subdivision that is not a minor plat subdivision. A major plat may also be either a preliminary or final plat.
- D. PLAT, MINOR: A plat describing a subdivision creating ten (10) or fewer parcels and that requires no public improvements. A minor plat may also be either a preliminary or final plat.

POTENTIAL GEOLOGIC HAZARD AREA: An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. May also be referred to in this title as "sensitive lands." (ord. 24-014, 110-8-2024)

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 AGENCY: The federal government, the state of Utah, a county, municipality, school district, special district, special service district, other political subdivision of the State, or a charter school. (ord. 24-014, 10-8-2024)

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. (ord. 24-014, 10-8-2024)

PUBLIC MEETING: A meeting that is required to be opened to the public under Utah Code Annotated §52-4 et. seq. (ord. 24-014, 10-8-2024, amd. Ord. 24-014, 10-8-2024)

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.

RECORD OF SURVEY MAP: A map of a survey of land prepared in accordance with Utah Code Annotated [§10-20-808](#), [§17-71-4](#) et. seq. (ord. 24-014, 10-8-2024)

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 their 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)

REVIEW CYCLE: The occurrence of the applicant's submittal of a complete subdivision application; the Town's review of, and response to that subdivision application in accordance with Utah Code Annotated [§10-20-806](#) et. seq.; and the applicant's reply to the Town's response that addresses each of the Town's required modifications or requests for additional information. (ord. 24-014, 10-8-2024)

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 9-4-2(M) of this title.

SENSITIVE LANDS: Means the same as "Geologic Hazards" and "Potential Geological Hazard Areas" definitions. (ord. 24-014, 10-8-2024)

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

SIGN: See [chapter 14](#) of this title.

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 is boarded and/or kept for hire.

STATE: Includes any department, division or agency of the State of Utah. (ord. 24-014, 10-8-2024)

STORAGE CONTAINER: Any object used for storage on a property. Typical storage containers are metal and rectangular but do not have to be. (ord. 22-002, 5-10-22)

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: Any structure utilized or intended for supporting or sheltering any occupancy. This includes buildings, non-building structures, and accessory structures like towers, barns, and retaining walls. (ord. 24-014, 10-8-2024)

SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer , sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions:

- A. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and except as provided herein, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes. (amd ord. 24-014, 10-8-2024)
- B. Subdivision does not include:
 - 1. a bona fide division or partition of agricultural land for the purpose of joining one (1) of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance
 - 2. a boundary line agreement recorded with the Iron County Recorder's Office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code Annotated [§10-20-808](#) et. seq. if no new parcel is created;
 - 3. a recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels, or joining a lot to a parcel;
 - 4. a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code Annotated [§10-20-907](#) et. seq., if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
 - 5. a parcel boundary adjustment;
 - 6. a lot line adjustment;
 - 7. a road, street, or highway dedication plat;
 - 8. a deed or easement for a road, street, or highway purpose; or
 - 9. any other division of land authorized by law.

(amd. Ord. 24-014, 10-8-2024)

SUBDIVISION AMENDMENT: An amendment to a recorded subdivision in accordance with Utah Code Annotated [§10-20-811](#) et. seq. that vacates all or a portion of the subdivision, alters the outside boundary of the subdivision, changes the number of lots within the subdivision, alters a public right-of-way, a public easement, or public infrastructure within the subdivision, or alters a common area or other common amenity within the subdivision. Subdivision amendment does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, which alters the outside boundary of the subdivision.

SUBDIVISION APPLICATION: A land use application for the subdivision of land. (ord. 24-014, 108-2024)

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure improvements and Town controlled utilities required for a subdivision. (ord. 24-014, 10-8-2024)

SUBDIVISION ORDINANCE REVIEW: The review by the Town to verify that a subdivision application meets the criteria of the Town's ordinances. (ord. 24-014, 108-2024)

SUBDIVISION IMPROVEMENT PLAN REVIEW: A review of the applicant's subdivision improvement plans, and other aspects of the subdivision application verify that the application complies with the Town's ordinances and applicable installation standards and inspection specifications for infrastructure improvements. (ord. 24-014, 108-2024)

TEMPORARY STRUCTURES: A structure built and maintained during construction of a development, activity or special event and then removed prior to the release of the performance guarantee; not including entertainment structures (i.e., bouncy houses, carnival rides, tent or canopy less than two-hundred square feet (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: See Dwellings, Multi-Family. (amd. ord. 26-001, 2-10-26)

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 the 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)

VARIANCE: A variance is intended to grant a property owner relief from the terms of this title where conditions are such (particular physical surroundings, shape, or topographical conditions) that literal enforcement of this title would cause an unreasonable hardship upon the owner, as distinguished from a mere inconvenience or increased costs. See 9-1-1 of this title. (ord. 26-001, 2-10-26)

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.

ZONING MAP: A map, adopted as part of a land use ordinance, which depicts land use zones, overlays, or districts within the Town. (ord. 24-014, 108-2024)