

# Box Elder County Land Use Management & Development Code

## Article 1: General Provisions

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### Chapter 1-3 – Definitions

#### Sections.

- 1-3-010. Purpose.
- 1-3-020. Scope.
- 1-3-030. Rules of Interpretation.
- 1-3-040. Definitions. (Ordinance 249, 309, 328, & 361)
- 1-3-050. Illustrations.

#### 1-3-010. Purpose.

The purpose of this Chapter is to provide rules of interpretation, definitions, and illustrations so that the provisions of this Code may be readily understood and consistently administered.

#### 1-3-020. Scope.

The rules of interpretation, definitions, and illustrations contained in this Chapter shall apply to the entirety of this Code.

#### 1-3-030. Rules of Interpretation.

- A. General.** All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed to accomplish the purposes of this Code.
- B. Conjunctions.** Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions or events shall apply.
  - 2. "Or" indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.
  - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

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- C. Mandatory and Discretionary Terms.** The word "shall" is always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" is permissive.
- D. Non-Technical and Technical Words.** Words and phrases shall be construed according to the common use and understanding of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- E. Tense, Number, and Gender.** Words used in the past or present tense include the future as well as the past or present unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular as the context and application of this Code may reasonably suggest. Words of one gender shall apply to any person, natural or fictitious, regardless of gender, as the context and application of this Code may reasonably suggest.
- F. Fractional Numbers.** In determining compliance with the numerical requirements of this Code any computation or measurement resulting in a fractional number, it shall be rounded to the nearest whole number.
- G. Public Officials, Bodies and Agencies.** All public officials, bodies, and agencies to which reference is made are those of Box Elder County, Utah, unless otherwise indicated.
- H. Delegation of Authority.** Whenever a provision appears requiring the Community Development Director or some other officer or employee to do some act or perform some duty, it shall be construed to authorize the Community Development Director, or other officer to designate, delegate, and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section, or other applicable law, specify otherwise.
- I. Computation of Time.** The time within which an act is to be done shall be including the last day except as otherwise provided in this Code. If the last day is a Saturday, Sunday, or computed by excluding the first day and holiday, then the last day shall be the next following business day. In computing the time required for public hearing notice (i.e., 10 days required notice), the day of the hearing shall be excluded.

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### 1-3-040. Definitions. (Ordinance 309 & Ordinance 328)

As used in this Code, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included Herein, but defined in the building code shall be construed as defined therein.

**Accessory Building:** See Building, Accessory.

**Accessory Use:** A use or building including solar energy systems and renewable energy uses on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building. An accessory use or building shall include any structure for caretaker, or security housing, or the confinement of animals.

**Active Solar System:** A system of equipment capable of collecting and converting incident solar radiation into heat, mechanical or electrical energy, and transferring these forms of energy by a separate apparatus to storage or to the point of use. It includes water heating, space heating or cooling, electric energy generating or mechanical energy generating and the architectural and engineering design or system necessary to balance or optimize active components.

**Adjacent Landowners:** A property owner of record, according to the records of the County Recorder, whose property abuts all or part of property proposed for development.

**Affected Entity:** A county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owners association, public utility, or the Utah Department of Transportation, if:

- A. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. the entity has filed with the county a copy of the entity's general or long-range plan; or
- C. the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.

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**Agriculture:** The production of food through the tilling of the soil, the raising of crops, gardening and horticulture for personal use or sale, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business.

**Agricultural Industry (Agricultural Business):** An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage. Typical uses include animal feed yards, fur farms, commercial milk production, food-packaging or processing plants, and commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission.

**Agricultural Processing:** Initial processing of agricultural products by packaging, treating and/or intensive feeding that is reasonably required to take place in close proximity to the site where they are produced. Agricultural industry includes, but is not limited to, animal feed yards, the raising of furbearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission.

**Agricultural Sales and Service:** An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services.

**Airport:** All airport definitions and regulations will be found in the Airport Ordinance adopted by Box Elder County, except as airports are governed under the general use regulations of this Code.

**Alley:** A public access-way less than 26 feet in width, which is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street for the purpose of this Code.

**Alluvial Soils:** Areas subject to periodic flooding as defined in the soil survey prepared by the Soil Conservation Service which encompasses Box Elder County.

**Amusement Park:** Any place of organized amusement activity not conducted wholly within a completely enclosed building, whether a commercial or non-profit enterprise, except temporary celebrations sanctioned by the County Commission by a special permit.

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**Animal Clinic/veterinary hospital:** A structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care, and is accessory to the principal use. This definition does not include kennels. (Ordinance #361)

**Animals and Fowl for Recreation and Family Food Production:** The keeping of animals on a lot or parcel for exclusive personal, non-commercial, use by persons residing thereon.

**Animal Specialties:** The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, apiaries, and aviaries.

**Appeal authority:** The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

**Appurtenances:** Appendages and incidental details on buildings are to be allowed such as building projections, coverings for mechanical equipment, etc.

**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, provides assistance with activities of daily living and social care to two or more residents who require protected living arrangements, and which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under the Utah Department of rule to need any of these services. Each resident in a type I or type II assisted living facility shall have a service plan based on the assessment, which may include: (A) specified services of intermittent nursing care; (B) administration of medication; and (C) support services promoting residents' independence and self-sufficiency.

**Automatic Car Wash:** A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding 1-2 tons capacity.

**Automatic Truck Wash:** A facility for automatic self-service washing or cleaning of trucks exceeding 1-2 tons capacity.

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

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**Automobile Self Service Station:** A place where gasoline or any other motor fuel for operating motor vehicles is offered for sale and is dispensed to the vehicle by the purchaser; the self service station may be independent or in conjunction with a retail store.

**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, and tune-up of automobiles, but not including major auto repair.

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

**Automotive 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.

**Automotive Salvage Yard (Automobile wrecking or Processing Yard):** A lot or portion thereof used for the storage, dismantling, demolition, or abandonment of automobiles, other vehicles, other machinery, or parts thereof.

**Automobile Wrecking Yard:** Any lot, parcel, or land area used for the storage, keeping, dismantling or salvaging of two or more unlicensed automobiles or parts thereof.

**Average 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 a lot or building area. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is 100 percent slope.

**Bank or Financial Institution:** An organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions.

**Basement:** A story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than 2 of its floor-to-ceiling heights is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

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**Beginning of Construction:** The excavation or re-contouring of the site.

**Berm:** A mound of earth, generally two to six feet high, used to shield, screen, and buffer undesirable views and to separate land uses.

**Bike Path (Bike Trail, Bike Lane):** A right-of-way designed and constructed for use by bicycles and not intended for use by pedestrians or motor vehicles of any kind. A bike path may be located within or without a street right-of-way, at grade, or at grade separated from vehicular traffic. Bike lanes may also be included as a part of a street.

**Billboard:** A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

**Block:** Land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

**Boarding House:** A building, or any portion thereof, where, for compensation, meals and lodging are provided to the occupants; but excluding a dwelling unit with family occupancy.

**Buildable Area:** The area on a lot or parcel bounded by front, rear, and side building lines where a main building may be constructed except that land with an average grade exceeding 15 percent shall not be considered geo-technically buildable unless it is approved by conditional use permit.

**Building:** A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

**Building, Accessory:** A detached subordinate building located on a lot or parcel with a main building the use of which is incidental to the use of the main building.

**Building Code:** The construction codes adopted by the County.

**Building Facade:** Any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

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**Building Frontage:** The horizontal, linear dimension of that side of a non-residential building abutting a street, a parking area, a mall or other circulation area open to the general public and having a main window display of the enterprise or a public entrance to the building.

**Building or Structure Height:** The height of a building or structure shall be as defined in the building code adopted by the County. If the building code does not apply, height means the vertical distance from the average finished grade to the highest point of a building or structure.

**Building Line, Front:** A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot or parcel.

**Building Line, Rear:** A line parallel to the rear lot line and at a distance therefrom equal to the required depth of the rear yard and extending across the entire width of the lot or parcel.

**Building Line, Side:** A line parallel to the side lot line and at a distance therefrom equal to the required depth of the side yard and extending between the front and rear building lines.

**Building, Main:** The principal building or one (1) of the principal buildings located on a lot or parcel designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one (1) structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one (1) lot or parcel as defined by this Code shall be deemed a main building.

**Building Official:** The person designated or appointed as the Building Official for Box Elder County by the County Commission.

**Building Public:** A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its political subdivisions.

**Business Equipment Rental, Services, and Supplies:** An establishment primarily engaged in the display, storage, sale, rental or repair of equipment and supplies used by office, professional or business service establishments, or individuals. Excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

**Campground:** A public area designated by a public agency for camping, or a private area licensed by the County Commission for camping.



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

**Car Wash:** A place for the cleaning or detailing of motor vehicles, whether self-service, automatic or by hand.

**Carport:** A covered automobile parking space with at least two sides open. For the purposes of this Code a carport shall be subject to all of the regulations prescribed for a private residential garage.

**Carrier:** A company or business which provides wireless telecommunication services as set forth in the Telecommunications Act of 1996, as amended.

**Cellar:** A room or rooms having more than 50 percent of the floor to ceiling height under the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

**Cemetery:** Land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums.

**Charter school** includes:

- A. an operating charter school;
- B. a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

**Chief executive officer:** The person or body that exercises the executive powers of the county.

**Child Care Center:** "Child care" means continuous care and supervision of five or more children through age 12 and children with disabilities through age 18, in lieu of care ordinarily provided by parents in their own home, for less than 24 hours a day, for direct or indirect compensation.

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**Church or Place of Worship:** Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used primarily for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions, and for church-related activities.

**Clear View Area:** Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this Code.

**Clinic:** See Medical Service.

**Club or Service Organization:** An establishment or organization providing meeting, recreational or social facilities for a private or nonprofit association, except a private club as defined herein. Typical uses include lodges, meeting halls, recreation centers, and areas operated by social clubs, fraternal and service organizations.

**Club, Private:** Any nonprofit corporation operating as a social club, recreational, fraternal, or athletic association, or kindred association which allows the consumption of liquor on its premises pursuant to a license granted by the Utah Alcoholic Beverage Control Commission.

**The Code:** The Box Elder County Land Use, Management & Development Code.

**College or University:** An institution of higher education offering undergraduate or graduate degrees and including, but not limited to, extension services and accessory uses such as dormitories, museums, stadiums, and theaters.

**Compatible with Residential:** Compatibility will be measured by whether or not the proposed development adversely impacts the quality of life in the area. Property values must be sustained or enhanced as opposed to diminishing values; the effects of ultimate traffic on streets will be considered rather than complaints that a new development will increase unwanted traffic; improvements in the infrastructure will be considered as to how and who pays for them; positive contributions to the financing of needed improvements will be weighed against the assessment on existing residential developments; proximity of possible impacts will be evaluated and non-directly impacted citizens will be considered in the group of the general citizenry. Also considered will be relief from the monotonous somewhat uniform subdividing of the countryside will be considered a positive factor if it provides an aesthetic relief.

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**Community Water System (CWS)** means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

**Conditional Use:** A land use that, because of its unique characteristics or potential impact on Box Elder County, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. A conditional use permit (CUP) is the permission granted by the County to use or access properties under special circumstances and with specific requirements and conditions attached.

**Conditional Use Development:** A mobile home park, mobile home subdivision, Recreational Vehicle Park, landfill or land excavation which is required to obtain a conditional use permit.

**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 created pursuant to the *Utah Condominium Ownership Act (UCA §57-8-1 et seq. as amended)*.

**Condominium Declaration:** See Declaration.

**Condominium Project:** A real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial, or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale. "Condominium Project" shall also mean the property when the context so requires.

**Construction:** The materials, architecture, assembly, and installation of a building or structure.

**Construction Sales and Service:** An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lot or parcel other than a construction site. Typical uses include lumber yards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' offices and storage yards, and public utility corporation storage yards.

**Convenience Store:** An establishment, not exceeding five thousand (5,000) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the

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premises, of food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales.

**Convertible Land:** A building site which is a portion of the common areas and facilities described by metes and bounds, within which additional units or limited common areas and facilities may be created pursuant to the Utah Condominium Ownership Act.

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

**County:** The unincorporated area of Box Elder County.

**County Commission:** The elected legislative body of Box Elder County.

**County Engineer:** A registered civil engineer so appointed or employed by the County.

**Coverage, Lot:** The percent of the lot area covered by the main and accessory buildings.

**Crosswalk or Walkway:** A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

**Cul-De-Sac:** A street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this Code, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point to the center of the cul-de-sac.

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

**Culinary Water Facilities:** Water supply lines, pumps, springs, wells, and/or any other physical facilities necessary to provide a supply of culinary water to a use in sufficient quantity and of approved quality to meet the standards of this Code.

**Cultural Service:** A library, museum or similar public or registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one (1) or more of the arts and sciences.

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

**Declaration:** The legal instrument by which property is subjected to the provisions of the Utah Condominium Ownership Act, or a declaration of covenants, conditions, and restrictions.

**Dedication:** The setting aside of land by an owner for any general and public uses, reserving for the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is devoted.

**Density:** A measure of the number of dwelling units per acre of area. It shall be expressed dwelling units per acre (DU/acre). Unbuildable land (as defined by the Planning Commission) is land with a slope greater than 25% or subject to inundation, or other geological hazards.

**Density, Base:** The number of dwelling units per acre allowed in a planned development pursuant to the provisions of Chapter 4-3-1 of this Code.

**Density Bonus:** The number of additional dwelling units per acre allowed in addition to base density in a planned development pursuant to the provisions of Chapter 4-3-1 of this Code.

**Density, Gross:** The number of dwelling units per acre within a subdivision or other development based on the total tract area whether developable or not, including streets, water areas, and conservation lands.

**Density, Net:** The number of dwelling units per acre within a subdivision or other development, not including streets and public property.

**Depth:** The least horizontal distance between the front and rear lot lines and the building.

**Developer:** Any person, firm, partnership, corporation or association who causes improvements to be constructed, land use to be changed, or land to be subdivided for himself/herself or others.

**Development (Land):** The conversion or alteration of use or physical characteristics of land; placing improvements on the land; or putting land to intensive use such as a subdivision, PUD, mobile home park, recreation vehicle park, shopping center, industrial park, excavation, etc.

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### **Development or Development activity:**

- A. any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- B. any change in use of a building or structure that creates additional demand and need for public facilities; or
- C. any change in the use of land that creates additional demand and need for public facilities.

**Development Approval:** Any written authorization from the County that permits the commencement of development activity.

**Disability:** A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, 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 (1) or more of the following body systems: neurological; musculoskeletal;
  - 2. Special sense organs; respiratory, including speech organs;
  - 3. Cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
  - 4. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 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.

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- 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 a person who has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one (1) or more major life activities.
- D. “Is regarded as having an impairment” means a person who:
  - 1. Has a physical or mental impairment that does not substantially limit one (1) or more major life activities but that is treated by another person as constituting such a limitation;
  - 2. Has a physical or mental impairment that substantially limits one (1) 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.

**District (also Zone or Zoning District):** A portion of the territory of Box Elder County established as a zoning district by this Code, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

**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.

**Duplex:** See Dwelling, Two-Family.

**Dwelling:** Any building, or portion thereof, has one (1) or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

**Dwelling, Basement:** A dwelling which is located below finished grade.

**Dwelling, Earth-Sheltered:** An engineered dwelling unit located primarily underground for the purpose of energy conservation.

**Dwelling, Single Family:** A building containing only 1 dwelling unit.

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**Dwelling, Single-Family with Accessory Dwelling:** A building having only one (1) dwelling unit and one (1) accessory dwelling unit.

**Dwelling, Two Family (Duplex):** A building containing only two (2) dwelling units.

**Dwelling, Three Family (Triplex):** A building containing only three (3) dwelling units.

**Dwelling, Four Family (Four-Plex):** A building containing only four (4) dwelling units.

**Dwelling, Multiple Family:** A building containing more than one (1) dwelling unit.

**Dwelling, Temporary:** A trailer or structure used for temporary residential purposes solely by the property owner or builder during the construction of a permanent dwelling on a lot or parcel

**Dwelling Unit:** One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units, all for exclusive use by a single family maintaining a household.

**Easement:** A present or future right of use under, on, or above the surface of property by a person or agency other than the legal owner of the property.

**Educational facility:** A school district's building, or private building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

**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.

### **Environmental Impact Assessment:**

- A. A report which describes, by means of written narrative as well as maps, a geographical area in terms of existing:
  - 1. slope
  - 2. soils
  - 3. water courses
  - 4. water table
  - 5. flood hazard areas



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6. geologic hazards
7. vegetative types
8. wildlife
9. wildlife habitat
10. essential urban services presently available

**B. An Environmental Impact Report:**

1. A tabulation of proposed population density and the numbers and types of proposed dwellings and other buildings and spaces to be occupied at full development;
2. The report further describes by means of written narrative as well as maps the impact of the proposed development on the following specific subject areas once the anticipated population density is achieved within the area to be developed.
  - a. water courses and flood hazards,
  - b. natural vegetation,
  - c. wildlife,
  - d. erosion,
  - e. topsoil loss,
  - f. sedimentation of water courses and reservoirs,
  - g. slope stability,
  - h. dust,
  - i. fire potential,
  - j. accumulation of solid or liquid wastes, and
  - k. the need and desire for urban services.
3. The report also evaluates the potential area-wide economic impact of the development on both private and public economic sectors and the potential impact on school, public utility, and transportation systems; and
4. Finally, the report recommends measures which, if undertaken, will mitigate or obviate the adverse impacts resulting from construction of the proposed development, and discusses the benefits to be gained from such development, and what adverse impacts cannot be avoided and the extent of their detrimental influence.

**Essential Facilities:** Those facilities which are common to the community and essential for servicing the residents and businesses: utilities, radio and television stations (transmitting only), cable TV, sanitation, health and public safety facilities provided by a public utility or governmental agency for overhead, surface or underground services, and such other necessary

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uses as may be approved by the County Commission by resolution, but excluding any building, electrical sub-station, or transmission line of 50 kv or greater capacity.

**Excavation:** Any disruption of the soil mantle and/or manmade surfacing of the same. Excavations may be either in the nature of a process or a use. Excavations undertaken for the purpose of preparing a site for an ultimate land use or for repairing or constructing urban service facilities are processes; whereas excavations such as gravel pits, quarries or mines are uses which require specific use authorization in the zoning district where located, in addition to a conditional permit if such is required.

**External Illumination:** Lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

**Family:** One individual, or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include four, but not more than four, non-related persons living with the residing family. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.

**Family Food Production:** The keeping of not more than two (2) cows, two (2) sheep, one (1) pig, two (2) goats, twenty (20) rabbits, twenty-five (25) chickens, fifty (50) pheasants, ten (10) turkeys, ten (10) ducks, ten (10) geese, and twenty (20) pigeons, provided that an additional number of animals equal to two (2) times the number listed above and an additional number of fowl equal to five (5) times the number listed above may be kept in each one-half acre in the lot over and above the minimum number of square feet required for a single-family residential lot in the zone and provided that not more than three categories of the above-listed kinds of animals and fowl are permitted at any one time on any lot smaller than two (2) acre. A horse is equivalent to a cow.

**Farmers Market:** See Produce Stand

**Feed Yard:** An agricultural industry in which animals or fowl are kept and intensively fed in relatively restricted area, as contrasted with open pasturage.

**Fence:** A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

**Fence, Open:** A fence which permits vision through more than fifty percent (50%) of each square foot more than eight (8) inches above the ground.

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**Fence, Sight-Obscuring:** A fence which permits vision through not more than ten percent (10%) of each square foot more than eight (8) inches above the ground.

**Final Plat or Final Plan:** The final drawing of a subdivision and dedication prepared for filing with the County Recorder which complies with applicable requirements set forth in this Code provisions adopted pursuant thereto.

**Financial Guarantee:** A letter of credit, and escrow with a Utah Lending Financial Institution. The Financial Guarantee requires:

1. The establishment of a letter of credit or institution escrow for 120% of the County Engineer approved Cost Estimate of materials and labor for installing the required improvements.
  - a. Upon completion and inspection of the required improvements, Box Elder County Commissioners will release the escrow amount. However, 20% of the original escrow must be retained for the warranty period, one (1) year for the improvements. Upon the expiration of the financial guarantee warranty period, and after a satisfactory inspection of all improvements, the remaining amount will be released by the county Commission upon recommendation of the County Engineer.

**Financial Guarantee Warranty:** A promise that the materials and workmanship of improvements will comport with standards that the county has officially adopted; and will not fail in any material respect within a warranty period.

**Fire authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

**Firefighting Facilities:** Such water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this Code.

**Flag Lot:** **“Flag Lot” means a flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.** A lot that has been approved by the County in conformity with Ordinance 249 amending provisions of the Box Elder Land Use and Development Code passed 2001.

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**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.

**Flood Plain:** Land that is within the 100-year flood plain designated by the Federal Emergency Management Agency; or has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

**Floodplain Overlay Zone:** Boundaries of the intermediate regional flood as defined by the Federal Insurance Administration maps. The floodplain zone is designed to overlay or be superimposed over existing zoning within the defined floodplain. Within such an overlay zone, the existing zone remains effective with the additional conditions superimposed by the floodplain zone.

**Flood Plain Soils:** Areas subject to periodic flooding and listed in the soil survey prepared by the Soil Conservation Service which encompasses Box Elder County as being “on the flood plain” or subject to “flooding.”

**Flood Way:** An area designated by the Planning Commission and County Commission as subject to periodic inundation.

**Floor Area.** The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, solar green houses and/or other solar equipment appurtenant to a solar energy system, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building, or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Code, or any such floor space intended and designed for accessory heating and ventilating equipment.

**Frontage:** 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. Street lines across which access is denied or cannot be had because of topography or for other reasons shall not constitute frontage for purposes of this Code.

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

**Fundamental Fairness.** Fundamental fairness means:

- A. in any land use proceeding, notice is provided as required by applicable law and fair procedure is applied to the proceeding; and
- B. in a legislative proceeding, a decision by the legislative body advances a legitimate public purpose and could advance the public welfare.

**Funeral Home:** See Mortuary.

**Garage, Private:** An accessory building designed and/or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory, provided that a garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

**Garage, Public:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, leasing, renting or storing motor vehicles.

**Gas Corporation:** has the same meaning as defined in Section 54-2-1.

**General Plan:** A document adopted by the County Commission that sets forth general guidelines for proposed future development of the unincorporated land within the County as set forth in this Code.

**Geologic 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. Geologic hazards include but are not limited to: a surface fault rupture, shallow groundwater, liquefaction, landslide, debris flow, unstable soil, a rock fall, any other geologic condition that presents a risk, to life, of substantial loss of real property, of substantial damage to real property.

**Grade (Lot Grade, Finished Grade):**

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

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- B. For buildings adjoining more than one 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 feet from a street line is to be considered as adjoining the street.

**Group Homes:** A home for certain disabled or elderly persons as defined by Utah State law as being permitted in residential areas of Box Elder County by conditional use permit. (See ELDERLY, and DIABILITY).

**Government Service (Public Building):** Any building or facility used, owned or operated by a government entity which provides services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

**Gross Floor Area:** The total floor area of a building expressed in square feet measured from centerline of joint partitions and exteriors of outside walls.

**Gross Leasable Area (G.L.A.):** The total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from centerline of joint partitions and exteriors of outside walls.

**Height, Building or Structure:** See Building or Structure Height.

**Height, Sign:** See Sign Height.

**Home Occupation:** An occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or the neighborhood, and in connection with which there is no display and/or stock of merchandise.

**Hookup fee:** A fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to county water, sewer, storm water, power, or other utility system.

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**Hospital:** A facility that:

- A. Offers services more intensive than those required for room, board, personal services and general nursing care;
- B. Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; or
- C. Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care or other definitive medical treatment of similar extent.
- D. Hospitals may include accessory uses such as offices for medical and dental personnel and central service facilities such as pharmacies, medical laboratories, and other related uses.

**Hotel:** An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

**Household:** A family living together in a single dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

**Household Pets:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not any animals which are likely to inflict harm or endanger the health, safety, or welfare of any person or property. This definition shall not include a sufficient number of dogs as to constitute a kennel as defined in this Code.

**Identical Plan:** Building plans submitted to a county that are substantially identical building plans that were previously submitted and reviewed and approved by Box Elder County and describe a building that is:

- A. located on land zoned the same as the land on which the building described in the previously approved plans is located; and

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- B. subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

**Illegal Use:** A use that is not allowed where located as an accessory use, conditional use, permitted use, or nonconforming use.

**Impact fee:** A payment of money imposed under Title 11, Chapter 36, Impact Fees Act.

**Impervious Surface:** Impervious surfaces are those that do not absorb precipitation (water) and thus cause ponding and/or runoff. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by Box Elder County's Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

**Impervious Surface Ratio:** A measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the Base Site Area.

**Impound/Security Lot:** A security lot fenced with or without guard dog and illuminated, where police or privately impounded vehicles may be kept for legal evidence or other purposes or while awaiting repairs. Normally where damaged vehicles are taken after an accident.

**Improvements:** Work, objects, devices, facilities, or utilities required to be constructed or installed in a land development. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this Code or by the Planning Commission and/or County Commission for the necessary proper development of the proposed land development.

**Improvements Agreement:** An agreement between Box Elder County and a developer, wherein the developer agrees to install improvements required by this Code, subdivision regulations, or by the Planning Commission and/or County Commission for the necessary proper development of the proposed land development.

**Incompatible Use:** A use of land which is different in activity, intensity, or utilization which is or will be in conflict with a use on an adjoining lot or parcel.



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**Interstate Pipeline Company:** A person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C Sec 717 et. seq.

**Intrastate pipeline company:** A person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

**Junk:** Any salvaged, discarded, or scrapped copper, brass, iron, steel, metal, rope, rags, batteries, paper trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk; or dismantled, wrecked or inoperable motor vehicles or parts thereof.

**Junk Yard:** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk or discarded or salvaged material, 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 zone.

**Kennel:** An establishment having four (4) or more dogs for the purpose of boarding, keeping, breeding, buying, grooming, letting for hire, training for profit, or selling.

**Kiosk:** A small structure, typically located within a pedestrian walkway or similar circulation area, intended for uses as a small shop, or for use as a display space for posters, notices and exhibits.

**Kitchen:** An area within a dwelling which contains a sink, fixed cooking appliances, and refrigeration facilities.

**Land, Agricultural:** Land used for bona fide agricultural purposes, or which is projected for agricultural use by the General Plan or the Land Use, Development, and Management Code adopted by Box Elder County, but not including legally existing nonconforming uses located in areas so projected.

**Land, Commercial:** Land used for bona fide commercial purposes, or which is projected for commercial use by the General Plan or the Land Use, Development & Management Code adopted by Box Elder County, except legally existing non conforming uses in areas designated commercial in such ordinance.

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**Land, Industrial:** Land used for bona fide industrial purposes or which is projected for industrial use by the General Plan or the Land Use, Development & Management Code adopted by Box Elder County, except legally existing nonconforming uses in areas designated industrial in such ordinance.

**Land Development Standards:** Adopted construction standards, including but not limited to: drawings, tables, charts and references which have been adopted by the County Commission by resolution and which set standards for the construction of improvements to land and which regulate said construction of improvements to land.

**Landscaping (Landscape):** The planting, paving and dressing of finished graded earth (dirt) including retaining walls, trees, ground cover, perennial plants and annual plants. etc., and together with an (automatic) irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity.

**Land Use:** The manner in which land is occupied or utilized.

**Land Use Application:** An application required by the Box Elder County Land Management and Development Code.

**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 Box Elder County, but does not include the general plan.

**Land use permit:** A permit issued by a land use authority.

**Legislative Body:** The Box Elder County Commission.

**Living Space:** The area calculated from the horizontal exterior dimensions of all levels excluding porches, garages, patios, decks and unoccupied structures.

**Lodging House:** A dwelling with not more than ten (10) guest rooms where, for compensation, lodging is provided for at least three (3), but not more than fifteen (15) persons, but not including motels or hotels.

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**Lot:** A unit of land shown as a lot or parcel on a subdivision plat map, a condominium record survey map, or other record of survey map provided it is created pursuant to this Code.

**Lot Area:** The area contained within the property lines of the individual parcels of land shown on a subdivision plat or required by this Code, excluding any area within an existing street right-of-way, or any area required as open space under this Code, and including the area of any easements.

**Lot, Corner:** A lot abutting upon 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 135 degrees.

**Lot, Flag:** **“Flag Lot” means a flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.** A lot that has been approved by the County in conformity with **Ordinance 249** amending provisions of the Box Elder Land Use and Development Code passed 2001.

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

**Lot, Legal Non-Conforming:** A lot or parcel which was legally created prior to the adoption of this Code.

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

**Lot Frontage:** The distance, measured along the front lot line, that a lot or parcel adjoins a street.

**Lot Held in One Ownership:** Shall mean all contiguous land held in one ownership at the time of the passage of this Code or at any time hereafter, whether or not such land has been or is described separately, has separate chains of Code, is described on one or more than one property tax notice, or is otherwise divided on paper.

**Lot line adjustment:** The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

**Lot Lines:** The property lines bounding the lot.

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**Lot Line, Front:** For an interior lot, the lot line adjoining the street; for a corner lot or through lot, each lot line adjoining a street.

**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 10 feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the Land Use Administrator shall designate the rear lot line.

**Lot Line, Side:** Any lot boundary line not a front or rear lot line. (This does not apply to any yard fronting on a street, which is by definition a front yard line.)

**Lot, Restricted:** A lot having an average slope of 15 percent or more; a lot which does not contain at least 75 feet by 100 feet, or the minimum size of a lot permitted in the zoning district where located, with an average slope of less than 15 percent; and/or a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site, has a slope of 15 percent or greater; or a lot subject to geologic hazards.

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

**Lot, Unrestricted:**

- A. A lot having an average slope of less than 15 percent and containing a buildable area of at least 75 feet by 100 feet, or
- B. the minimum size of a lot permitted in the zoning district in which it is located, with an average slope of less than 15 percent, or
- C. as a buildable area designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than 15 percent.

**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, Nonconforming:** A lot or parcel that:

- A. Legally existed before its current zoning designation; and

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- B. Has been shown continuously on the records of the Box Elder County Recorder as an independent parcel since the time the zoning regulation governing the lot or parcel changed; and
- C. Because of subsequent zoning changes does not conform to the lot size or other dimensional or property development standards applicable in the zone where the lot or parcel is located.

**Main Use or Building:** The primary purpose for which a lot, parcel, or structure is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this Code.

**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 (1) or more sections, which:

- A. In the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet;
- B. Is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities;
- C. Includes plumbing, heating, air-conditioning, and electrical systems; and
- D. Is 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.

**Manufactured and Mobile Home Subdivision:** A platted and recorded subdivision zoned and designed for mobile and manufactured home use where mobile and manufactured homes are placed on permanent foundations.

**Market Analysis:** An economic analysis of the feasibility of a project.

**Master Street Plan:** See Official Street Map

**Medical Service:** An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the

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medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical or dental laboratories. The establishment may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

**Mineral Extraction:** Removal of sand, gravel, dirt, or other materials by grading or excavating.

**Mobile Home:** A detached single-family dwelling of not less than 30 feet in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; and which has not been demonstrated to conform to the Building Code for other residences adopted by Box Elder County. In determining if such a dwelling is designed for long-term occupancy, the following criteria shall be used: such a dwelling contains a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for connections to utilities and other minor work.

**Mobile Home Lot:** A space designed and approved by Box Elder County for occupancy by mobile homes, and meeting all requirements of this Code.

**Mobile Home Park:** A parcel of land that has been planned and improved for the placement of mobile homes for non-transient use and consisting of two or more mobile home spaces, where the entire project is to be under single ownership or management and meets all of the requirements of this Code for mobile home parks.

**Mobile Home Space:** A space within a mobile home park designed and to be used for the accommodation of 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.

**Moderate income housing:** Housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

**Moderate Income Housing Plan:** A written document conforming to the requirements of *Utah Code Ann., § 17-27a-403 (2), as amended*.

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**Modular Unit:** A structure built from sections manufactured in accordance with the construction standards adopted pursuant to *Utah Code Ann.*, § 58-56-4, as amended, transported to a building site, the purpose of which is for human habitation, occupancy or use. 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 accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

**Municipality:** A city or town.

**Mortuary:** An establishment engaged in preparing human deceased for burial and conducting funerals.

**Natural Features:** Non-man-made land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

**Natural State:** Land which has not been subjected to grading, removal of vegetation or building development.

**Natural Retention Area:** An area of poorly drained soils which lies along stream channels or swales or is adjacent to flood plain soils, which is subject to periodic flooding.

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

**Noncomplying 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, the structure does not conform to the setback, height restrictions, or other regulations excluding those regulations that govern the use of land.

**Nonconforming Use:** A use of land that:

- A. legally existed before its current land use designations;

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- 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 ordinances that now govern the land.

**Non-Transient Non-Community Water System (NTNCWS)** means a public water system that regularly serves at least 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

**Nursing Home (also Rest Home or Convalescent Home):** A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Off-Site Facilities:** Improvements not on individual lots, but generally within right-of-way and the boundaries of the development which they serve, and as further outlined in this Code.

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

**Office, General:** A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

**Official Map:** A map drawn by Box Elder County and recorded in the County Recorder's Office that:



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- A. shows actual and proposed rights-of-way, centerline alignments, and setback for highways and other transportation facilities;
- B. provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- C. has been adopted as an element of the Box Elder County General Plan.

**On-Site Facilities:** Construction or placement of the main building, and its appurtenant improvements on a lot.

**Open Space:** Land used for recreation, agriculture, resource protection, amenity, or buffers; is freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted; and is protected by the provisions of this Code to ensure that it remains in such uses. Open spaces does not include land occupied by non-recreational buildings, roads, or road right-of-ways; nor does it include the yards or lots of single- or multiple-family dwelling units or parking areas as required by the provisions of this Code. Open space should be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

**Open Space Ratio:** A measure of the intensity of land use. It is arrived at by dividing total amount of open space within the site by the Base Site Area.

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

- A. The open 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. If 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 Land Use Administrator to assure reasonably safe usage by children and adults.

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

**Other Nonconformity:** A situation other than a nonconforming lot, noncomplying structure, or use that:

- A. Legally existed before the current zoning designation of the lot or parcel where the nonconformity is located; and
- B. Because of subsequent zoning changes, does not conform with applicable requirements of this Code.

**Operations Center:** A maintenance, repair, or service facility operated by a local, state, or federal government agency.

**Outdoor Nursery/Grower's Outlet:** An establishment or premises where nursery products such as flower, shrubs, and trees, intended for ornamental or landscaping purposes are sold at retail to the general public from covered or open air areas on a temporary or seasonal basis.

**Owner:** Any person who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

**Parcel:** A contiguous quantity of real property defined by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded final subdivision plat.

**Park Strip:** The area located between a street right-of-way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

**Parking Facility (Parking Lots, Parking Structures):** An open area other than a street, alley, or driveway, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

**Parking Space:** An area designated within a building, parking lot, or other parking area for the parking or storage of one (1) motor vehicle.

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**Parking, Tandem:** A parking space which abuts a driveway or parking aisle and is used to access one (1) other parking space.

**Passive Solar System:** A direct thermal system which utilizes the structure of a building and its operable components to provide for collection, storage and distribution of heating or cooling during the appropriate times of the year, by utilizing the climate resources available at the site. It includes those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar and the architectural and engineering design or system simulation necessary to balance or optimize passive components.

**Pedestrian-Way (Walkway or Crosswalk):** 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 or without a street right-of-way, at grade, or grade-separated from vehicular traffic.

**Permanent Monument:** Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of Box Elder County for permanent monuments.

**Perimeter Building Pad:** A separate building location (usually along the street frontage) developed or designated in connection with a larger commercial site.

**Permitted Use:** A main use of a building or land allowed in one (1) or more of the respective zones set forth in this Code which does not require Planning Commission approval, subject to compliance with applicable provisions of this Code.

**Person:** An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

**Personal Care Provider:** A person who resides in the same dwelling unit as a family and who, with or without payment, provides daily physical, medical, or other assistance to another person on an on-going basis.

**Personal Care Service:** An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment."

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**Personal Instruction Service:** An establishment primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, and massage therapist instruction.

**Plan for moderate income housing:** A written document adopted by Box Elder County that includes:

- A. An estimate of the existing supply of moderate income housing located within the county;
- B. An estimate of the need for moderate income housing in the county for the next five years as revised biennially;
- C. A survey of total residential land use;
- D. An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- E. A description of the county's program to encourage an adequate supply of moderate income housing.

**Planned Center:** A development comprised of mixed uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion pursuant to a conditional use permit.

**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 County Commission as part of the Box Elder County Land Development & Management Code, after a 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. Planned Unit Development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the Planned Unit Development. Thus Planned Unit Development regulations can be subdivision regulations

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which may be chosen by the developer as an alternative to specifically designated subdivision regulations of this Code, to become effective only through the Planned Unit Development approval process.

**Planning Commission:** The Planning Commission of Box Elder County.

**Plat:** A map or other graphical representation of lands being laid out and prepared in accordance with §17-27a-603, 17-23-17, or 57-8-13 of the *Utah Code Annotated, as amended*, and the provisions of this Code.

**Plot Plan:** A schematic scaled drawing of a building lot or parcel, or a development which:

- A. Is less detailed than a site plan; and
- B. Indicates, as may be required by this Code, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

**Potential geologic hazard area:** An area that:

- A. 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;
- B. 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.

**Prime Agricultural Soils:** Areas of soils most suited for agriculture, those in capability units I, II, or III, as indicated in the soil survey prepared by the Soil Conservation Service which encompasses Box Elder County.

**Principal Use:** Any use which is named and listed in the use regulations and other provisions of this Code, except those uses specifically designated as accessory uses; any use which is or may be conducted on a lot independently or any other use on the lot and not incidental or accessory to any other use on the lot; any use which establishes the primary activity on a lot.

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**Private Non-Profit Recreational Grounds and Facilities:** Non-profit recreational grounds and facilities operated by a non-profit corporation, association, or group.

**Produce Stand (Fruit Stands):** A booth, stall or other area where produce is sold to the general public.

**Professional Team, Qualified:** An individual or group of individuals qualified by virtue of training, experience, state licensing where appropriate and membership in professional associations which pass upon qualifications prior to admittance to membership. A determination of whether or not a team is qualified, in the sense explained above, shall be made solely by the Planning Commission.

**Protection Strip:** A strip of land between the boundary of a land development and a street within the land development, for the purpose of controlling the access to the street by property owners abutting the land development.

**Public:** Land or other property that which is under the ownership or control of the United States Government, Utah State or any subdivision thereof, Box Elder County, or the County (or any departments or agencies thereof).

**Public agency:** Is the federal government, the state, a county, municipality, school district, local district, special service district, or other political subdivision of the state; or a charter school.

**Public Entrance:** An entrance to a building or premises customarily used or intended for use by the general public but excluding fire exits, special employee entrances, and loading dock entrances not generally used by the public.

**Public Facilities and Public Service Facilities:** For the public convenience, certain infrastructure including streets, water lines, sewer lines, public utilities, and drainage facilities may be allowed to serve various areas of the community, as public facilities. Possible additional facilities such as a sub-station for fire and/or police, post office and/or hospital may be determined to be in the public interest as well, as public service facilities by Box Elder County.

**Public Hearing:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

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**Public Meeting:** A meeting that is required to be open to the public under *Open and Public Meetings Act (Utah Code Annotated 52-4-101 et. seq. as amended)*.

**Public Utility Substation:** Any above-ground device of a culinary water, irrigation, sewer, natural gas, electrical, telecommunications (including but not limited to radio, telephone and cellular telephone), cable television, or other public or private utility system. Excluded from this definition are:

- A. Conventional utility poles, features or equipment to be placed on such a pole, light poles; and
- B. Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located.

**Public Water System (PWS)** means a system, either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year and includes collection, treatment, storage, or distribution facilities under the control of the operator and used primarily in connection with the system, or collection, pretreatment or storage facilities used primarily in connection with the system but not under his control (see 19-4-102 of the Utah Code Annotated). All public water systems are further categorized into three different types, community (CWS), non-transient non-community (NTNCWS), and transient non-community (TNCWS). These categories are important with respect to required monitoring and water quality testing found in R309-205 and R309-210 (see also definition of "water system").

**Quasi-Public:** A seemingly public institution, entity or organization that is not actually public because of an independent or private control over it.

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

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

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- B. “Necessary” means the applicant must show that, but for the accommodation, one (1) or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- C. “Equal opportunity” means achieving equal results as between a person with a disability and a non-disabled person.

**Record of Survey Map:** A map of a survey of land prepared in accordance with *Utah Code Annotated, §17-23-17, as amended*.

**Recreation Dwelling (cabin, recreation cabin):** A dwelling designed for limited rather than primary occupancy and generally located adjacent to or with easy access to recreational areas. The primary purpose for the construction of such a dwelling is to provide shelter during those limited periods of time when recreation is sought in the adjacent areas.

**Recreational Vehicle (Recreational Coach):** A vehicle, with or without motive power, designed and constructed to travel on public streets, and designed for use as a human habitation of a temporary and recreational nature.

**Recreational Vehicle Park (Travel trailer park):** Any area or tract of land or a separately 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 vehicles for a temporary time not to exceed thirty (30) consecutive days.

**Recreational Vehicle Space:** A plot of ground within a recreational vehicle park designated and intended for the accommodation of one (1) recreational vehicle.

**Renewable Energy:** That form of energy whose supply is natural, inexhaustible and not dependent upon fossil fuel supplies. Examples include residential solar heat, wind power, geothermal power and many other supply sources.

**Residence:** A dwelling unit where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

**Residential facility for elderly persons:** A single-family or multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not include a health care facility as defined by Section 26-21-2.



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**Residential facility for persons with a disability:** A residence in which more than one person with a disability resides and which is licensed or certified by:

- A. The Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or
- B. The Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

**Residual Land:** That land which does not meet the minimum standards for a lot and therefore must be attached and become part of another parcel which does or will conform to lot minimum standards, or be attached to public land for public purposes.

**Retail, General:** An establishment that rents or sells goods to the public, but excluding any use specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

**Right-of-Way:** That portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

**Roadway Width:** For a street with battered or roll curb to back of curb, otherwise the width of the actual paved surface.

**Roof Line:** The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

**Sanitary sewer authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

**School, Private:** A school which is operated by a quasi-public or private group, individual, or organization, for profit or non-profit and which has a curriculum similar to that provided in any public school whether or not a complete educational curriculum.

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

**Security Surveillance:** When security is a paramount concern to a project, it may require continuous and comprehensive surveillance of the private streets if access is only through a guarded gate. Under these circumstances it is in the interests of the public to vary requirements sufficient to permit total control of a manager.

**Sensitive Land:** Any land area whose destruction or disturbance could affect the health, safety, or welfare of County residents, including wetlands, steep slopes, flood plains, and unstable soils.

**Setback:** The distance on a lot or parcel between a building line and a property or designated right-of-way line as shown on the Box Elder County Official Map.

**Sign:** Any object, device, display, or structure, or a part thereof, which uses words, letters, figures, designs, symbols, fixtures, colors, illumination, or a projected image to visually convey a commercial and/or noncommercial message for the purpose of identifying, directing, attracting attention, or making known the subject thereof, but not including the lawful display of merchandise.

**Sign Alteration:** Changing or rearranging any structural part, sign face, enclosure, lighting, coloring, copy (except on Changeable Copy Signs), graphics, component, or location of a sign.

**Sign, Animated:** A sign with parts or sections which revolve or move or which has flashing or intermittent lights, but not including electronic message signs.

**Sign Area:** The portion of a sign used for display purposes as provided in 6-3-1 of this Code.

**Sign, Awning:** A sign which is integral with or placed on a translucent awning or other “fabric” covering a framework and which is backlit.

**Sign, Banner:** A sign made of fabric, plastic, or other light pliable material.

**Sign, Billboard:** A freestanding sign that identifies or communicates a commercial or noncommercial message regarding an activity, service, product, or matter that is not conducted on or related to the lot or parcel where the sign is located.

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**Sign, Canopy:** A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.

**Sign, Changeable Copy:** A sign on which text or copy is changed manually or electronically, but not including poster panels or painted bulletins.

**Sign Clearance:** The height of the lower edge of the face of a sign from the finished grade.

**Sign, Conforming:** A sign which meets all provisions of this Code.

**Sign, Electronic Message:** A display consisting of an array of light sources, panels or disks which are electronically activated.

**Sign, Face:** The surface of a sign upon, against or through which a message is displayed or illustrated.

**Sign, Flashing:** A sign which contains or is illuminated by lights which are intermittently cut on or off, change intensity or otherwise create the illusion of flashing or movement.

**Sign, Free-standing:** A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

**Sign Height:** The vertical distance measured from the elevation of the nearest top back of curb, or, if there is not curb within twenty-five (25) feet, from the lowest point of the finished grade on the lot or parcel on which a sign is located and within twenty-five (25) feet of the sign, to the uppermost point on the sign or the sign structure. In the case of a roof sign, the maximum height shall be measured from the roof line or the parapet level, if applicable, at the location of such sign.

**Sign, Identification and Information:** A sign displayed to indicate the name or nature of a building, or of a use.

**Sign, Illuminated or Lighted:** A sign equipped with artificial lighting devices for the purpose of improving the sign's visibility. This definition shall include internally and externally lighted signs.

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**Sign, Low-Profile:** A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.

**Sign Maintenance:** The replacing, repairing, or repainting of portion of a sign structure, periodic changing of bulletin board panels, or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident.

**Sign, Marquee:** Any sign attached to or made an integral part of a marquee.

**Sign, Movable:** A sign, with or without changeable copy, intended for temporary use which is not permanently affixed to the ground or a structure such as an A-frame, poster, banner, or similar sign.

**Sign, Nonconforming:** A sign or sign structure which lawfully existed at the time an applicable zoning or other ordinance became effective, but which does not presently conform to all the requirements of this Code.

**Sign, Off-Premise:** Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered elsewhere than on the same lot or parcel upon which such sign is located.

**Sign, On-premise:** A sign which advertises products or services available on the premises where the sign is located.

**Sign Ordinance:** Chapter 5-3-1 of the Box Elder County Land Use Development and Management Code.

**Sign, Pole:** See Sign, Freestanding.

**Sign, Poster:** A temporary paper sign.

**Sign, Projecting Wall:** A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

**Sign, Promotional:** Temporary devices such as banners, streamers, flags, balloons, pennants, trailer signs and inflated signs.

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**Sign, Roof:** A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

**Sign, Rotating:** A sign which revolves three hundred sixty (360) degrees with continuing motion.

**Sign Setback:** The horizontal distance between a property line and the closest edge of a sign structure.

**Sign, Temporary:** A sign intended to be displayed for a temporary period of time.

**Sign, Wall:** A sign displayed upon or against the wall of a building, where the exposed face of the sign is parallel to the wall and extended not more than eighteen (18) inches horizontally from the face of the wall and does not extend more than six (6) inches above the parapet, eaves or building façade. A fascia sign may also be mounted above or below a canopy, not necessarily flush with the wall, but in all cases only one side has copy.

**Site:** A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

**Site Area:** All land area within the site as defined in the deed. Area shall be determined from an actual survey rather than from a deed description.

**Site Plan (plot plan).** A schematic, scaled drawing of a building lot or parcel or location which indicates, as may be required by this Code, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

**Skyspace:** That portion of the sky that must remain unobstructed for a solar collector to operate effectively. The skyspace can be measured for specific time of year use and location. (See also **Solar Access.**)

**Small Butcher shop (meat processing):** A custom retail meat-cutting operation. This definition does not include slaughtering but does include other accessory uses such as frozen food lockers. Limited to 8,000 square feet or less. (**Ordinance #361**)

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**Small Taxidermy:** The art of preparing, stuffing, and mounting the skins of animals and especially vertebrates to make them appear lifelike. Limited to 8,000 square feet or less.

**Solar Access:** The availability of sunlight to solar collectors and solar energy systems. Solar access to a site depends upon the specific system type and most often demands rooftop, south wall, south lot or detached collector protection. (Ordinance #361)

**Solar Energy Conversion System:** Includes active, passive and photovoltaic solar systems which when placed on a structure to supply energy to that structure.

**Solar Greenhouse/sunspace/sunparlor:** An attached space to a building or residence which may provide heat and/or food to users as part of a passive solar energy system.

**Specified public utility:** An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1, or as amended.

**Special District:** All entities established under authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

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

**Stable, Public:** A detached accessory building where horses are boarded and/or kept for hire.

**Start of Construction:** The issuance date of a building permit, provided that construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Begins" does not include:

- A. Land preparation, such as clearing, grading and filling;
- B. Installation of streets and/or walkways;
- C. Excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or

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- D. Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**State:** Any department, division, or agency of the state.

**Steep Slopes.** Areas where the average slope exceeds 8 percent which, because of this slope, are subject to high rates of storm water runoff and therefore erosion.

**Story:** The space within a building between the surface of a floor and the surface of the floor or roof above it.

**Story, Half:** A partial story under a gable, hip, or gambrel roof, the wall plates of which are on at least 2 opposite exterior walls, do not extend more than 4 feet above the floor of such story, and the ceiling area of which does not exceed 2/3 of the floor area of the same half story.

### **Streets:**

- A. Street - A public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.
- B. Street, Freeway - A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- C. Street, Half Street - A street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as a frontage
- D. Street, Major Arterial - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in 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.
- E. Street, Minor Arterial - Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
- F. Street, Major Collector - A street, existing or proposed, which is the main means of access to the major street system.
- G. Street, Minor Collector - A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

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- H. Street, Local - A minor street which provides access to abutting properties and protection from through traffic.
- I. Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.
- J. Street, Cul-de-sac - A minor terminal street provided with a turn-around.

**Street frontage:** A street which is parallel to and adjacent to a limited access street and which provides access to abutting properties and protection from through traffic.

**Street, Stub:** A street extending from within a subdivision boundary and temporarily terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.

**Structural Alteration:** Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**Structure:** Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground above grade constructed or installed by man and permanently attached to the ground, but not including poles, lines, cables, pipelines, or other transmission or distribution facilities of utilities.

**Subdivider (Developer):** Any person who (A) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (B) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or, who (C) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision, or who (D) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

**Subdivision:** Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, 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. **(Ordinance 309)**

A. "Subdivision" includes:



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1. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. except as provided in B. below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for agricultural purposes;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - a. no new lot is created; and
  - b. the adjustment does not violate applicable land use ordinances;
3. A recorded document, executed by the owner of record:
  - a. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
  - b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances;
4. A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
  - a. an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
  - b. an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility; or
5. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
  - a. no new dwelling lot or housing unit will result from the adjustment; and
  - b. the adjustment will not violate any applicable land use ordinance.
  - c. the joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

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**Substantial Action:** Action taken in good faith to diligently pursue any matter necessary to obtain approval of an application filed pursuant to the provisions of this Code, or to exercise development rights authorized pursuant to such an approval.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty ( 50) percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**Swimming Pool:** An accessory use subject to all state and local regulations governing safety and health, which requires a conditional use permit.

**Temporary Use:** A use not allowed as a permitted, conditional or accessory use where located and which is established for a limited time with the intent to discontinue the use upon expiration of the time period authorized by a temporary use permit, which, in the determination of the Planning Commission, and approved by the County Commission shall not extend beyond 2 years from inception of such land use. A determination as to whether or not a land use is temporary shall be based solely upon facts submitted to the Planning Commission at the time of application for a conditional use permit for a temporary use.

**Temporary Trailer:** A temporary trailer or structure utilized solely by a builder during construction of a project for purposes incidental to the construction work on the property.

**Township:** A contiguous, geographically defined portion of the unincorporated area of a county, established under this part or reconstituted or reinstated under Section 17-27a-306, with planning and zoning functions as exercised through the township planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority, except that "township" means a former township under Laws of Utah 1996, Chapter 308, where the context so indicates.

**Transferrable development right:** The entitlement to develop land within a sending zone that would vest according to the county's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.

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**Transient Non-Community Water System:** (TNCWS) means a non-community public water system that does not serve the same 25 nonresident persons per day for more than six months per year. Examples of such systems are those, RV Park, diner or convenience store where the permanent nonresident staff number less than 25, but the number of people served exceeds 25.

**Transportation Service:** An establishment that moves people or goods and services. Typical uses include taxicab service, passenger autos for rent with drivers, ambulance service, and parcel delivery service.

**Unincorporated:** The area outside of the incorporated area of a municipality.

**Urban Services:** Those services normally associated with urban living, including but not limited to the following: electricity, natural gas, streets, schools, culinary water, sewage collection and treatment facilities, and police and fire protection.

**Use:** Any purpose for which a lot, parcel, or structure is designed, arranged or intended, or for which it is occupied or maintained.

**Utilities:** Includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, cable television and telephone transmission lines, underground conduits and junction boxes.

**Variance:** A modification granted by the Board of Adjustment to a zoning requirement for height, bulk, area, width, setback, separation, or other numerical or quantitative requirement for a building or structure or other site improvements as set forth in this Code.

**Vehicle:** A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

**Veterinary Service:** An establishment providing medical care and treatment for animals, which may include accessory grooming or boarding services.

**Vicinity Plan:** A map or drawing, not necessarily to scale, showing where a subdivision, or proposed subdivision, PUD, commercial development, or other property is located.

**Vicinity Plan:** A map or drawing, to scale, of any area proposed for development, showing existing and proposed streets, buildings, public facilities and utilities within the general influence

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area of the proposed project such as 1 mile radius; boundaries of zoning districts, taxing districts, and other special districts on and in the immediate vicinity of the land proposed for project; water courses, impoundments, streams, springs, wells and areas subject to continuous or occasional flooding on and in the immediate vicinity of the land proposed for project and significant vegetative patterns on and in the immediate vicinity of the land proposed for development.

**Water interest:** Any right to the beneficial use of water, including each of the rights listed in Section 73-1-11, and an ownership interest in the right to the beneficial use of water represented by a contract; or a share in a water company, as defined in Section 73-3-3.5.

**Water and Sewer Improvement Districts:** Any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

**Water System** means all lands, property, rights, rights-of-way, easements and related facilities owned by a single entity, which are deemed necessary or convenient to deliver drinking water from source to the service connection of a consumer(s). This includes all water rights acquired in connection with the system, all means of conserving, controlling and distributing drinking water, including, but not limited to, diversion or collection works, springs, wells, treatment plants, pumps, lift stations, service meters, mains, hydrants, reservoirs, tanks and associated appurtenances within the property or easement boundaries under the control of or controlled by the entity owning the system.

**Wind Energy Conversion Systems:** Includes structure and all apparatus to utilize wind to drive generator.

**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 Code.

**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 lot line and the front line of the building. (Note: On a corner lot there are two front yards.)

**Yard Measurement:** In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and a building.

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**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.

**Yard, Side:** A space extending from the front yard to the rear yard between the side building line and the side lot line. The width of the side yard is the minimum distance required by this Code between the side lot line and the side building line.

**Zone:** An area of the unincorporated territory of the County which has been given a designation which regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land all as set forth in this Code.

**Zoning Administrator:** The person charged with the principal responsibility for interpreting and applying the provisions of this Code.

**Zoning map:** A map, adopted as part of a land use Code, which depicts land use zones, overlays, or districts.

### 1-3-050. Illustrations.

For the convenience of users of this Code, certain terms may be illustrated herein. If a conflict arises between an illustration and a definition, the definition shall apply. A map or drawing, not necessarily to scale, showing where a subdivision or proposed subdivision, PUD, commercial development, or other property is located.