

**ORDINANCE 2024-\_\_\_\_\_**

File No.\_OAM2024-001275

Date: \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF BRIGHTON AMENDING SECTIONS  
19.04.020 AND 19.04.030 TO REVISE THE DEFINITIONS OF “LOT” AND “LOT  
OF RECORD”**

**RECITALS**

**WHEREAS**, the Town of Brighton adopted a zoning ordinance pursuant to Utah Code Ann. Subsection 10-9a-102(2) and has authority to amend said zoning ordinance when it determines it is necessary; and

**WHEREAS**, the Town of Brighton is a municipality and has authority to regulate land use and development standards in general pursuant to Utah Code Ann. Subsection 10-9a-104 (1); and

**WHEREAS**, the definitions contained in chapter 19.04 of the Brighton zoning ordinance pertain to both Title 19 Zoning and Title 18 Subdivisions; and

**WHEREAS**, the definition of the terms “lot” and “lot of record” impact not only subdivision applications, but also land development (FCOZ) applications, the Town of Brighton finds it imperative to clearly define these terms in a way as to address both application types.

**BE IT ORDAINED BY THE BRIGHTON TOWN COUNCIL** as follows:

1. The definition of “Lot of Record” in section 19.04.020 and the definition of “Lot” in section 19.04.030 are amended and read as attached hereto as **Exhibit A**. The amendments made Therein are designated by underlining the new words, with words being deleted designated by brackets with a line drawn through said words.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

BRIGHTON TOWN COUNCIL

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By: Dan Knopp, Mayor

ATTEST

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Kara John, Clerk

Voting:

Council Member Bossard	voting _____
Council Member Brunhart	voting _____
Council Member Keighley	voting _____
Council Member Knopp	voting _____
Council Member Zuspan	voting _____

## EXHIBIT A

### **19.04.020 GENERAL DEFINITIONS**

General terms used in Title 19 are defined as follows:

1. "Affected Entity" means the same as defined in Utah Code 10-9a-103 (3).
2. "Agent" means a person with written authorization to represent a property owner.
3. "Appeal Authority" means the same as "Land Use Hearing Officer."
4. "Bench Mark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
5. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.
6. "Breezeway" means a covered attachment between a detached structure and a main dwelling that is not a structural continuation of main dwelling roof. May include enclosed hallways or covered walkways. Use of a breezeway does not change the status of the detached structure or make it part of a main dwelling.
7. "Buffer" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
8. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
9. "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this Title.
10. "Conservation Easement" means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the conservation easement holder, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
11. "Council" means the Brighton Town council, unless otherwise clearly indicated.
12. "Culinary Water Authority" means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
13. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
14. "Development Code" means Titles 18 and 19 of the Municipal Code.
15. "Development Review Committee (DRC)" means Planning and Development Services Staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from affected entities, other service providers or other reviewing agencies may also be solicited as needed.

16. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.
17. "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.
18. "Dwelling" means any building or structure, or portion thereof, intended for residential use.
19. "Dwelling Unit (d.u.)" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain more than one (1) dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:
  - a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
  - b. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
  - c. There is only one electric and/or gas meter for the building.
20. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
21. "Facility Company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.
22. "Family" means one of the following groups of individuals, but not more than one group at the same time:
  - a. An individual living alone; or
  - b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
  - c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
  - d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.
23. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
24. "Grading Plan" means a plan that shows all finish grades, spot elevations, drainage as necessary and existing and new contours.
25. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.

26. "Gross Square Feet" means the sum of all areas on all floors of any building(s). Gross square footage shall include any detached and attached garages, other accessory structures, and finished and unfinished basements.
27. "Ground Cover" means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12").
28. "Guest" means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.
29. "Guestroom" means a room that is designed for double occupancy by guests, for sleeping purposes.
30. "Hardscape" means patios, decks and paths. Does not include driveways.
31. "Health Department" means the Health Department of Salt Lake County, Utah.
32. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in the State of Utah or in another state, or which has been dismantled or wrecked to the point of being non-drivable.
33. "Land Trust" means a private non-stock, non-profit corporation that has as its purpose the preservation.
34. "Land Use Application" means an application required by the zoning or subdivision ordinances.
35. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Council to act upon a land use application.
36. "Land Use Decision" means any final decision of the Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.
37. "Land Use Hearing Officer" means the "Appeal Authority" created pursuant to Utah Code §10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of this Ordinance. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C.
38. "Landscaping" means any combination of living plants, such as native trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.
39. "Lot of Record" **See definition of "Lot" in section 19.04.030.**~~means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952 and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.~~
40. "Local Jurisdiction" means the Town of Brighton.
41. "Membrane Covered Frame Structure" means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.

42. "Minor Local Street" means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.
43. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to Salt Lake County survey monuments.
44. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services.
45. "Municipal Flood Control Division" means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.
46. "Municipal Geologist" means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.
47. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.
48. "Natural Waterways" means those areas varying in width along streams, creeks, gullies, springs, or washes which are natural drainage channels, as determined by the building inspector, and in which areas no building shall be constructed.
49. "Net developable acre" is defined as land with all of the following:
  - a. An average slope less than thirty percent (30%).
  - b. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality.
  - c. Minimum distance from any stream corridor as defined in this Chapter.
  - d. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. (See Chapter 19.56 (Floodplain Hazard Regulations) and Section 19.38.120 (Natural Hazards)).
50. "Noncomplying Structure" means a structure that: (a) legally existed before the structure's current land use designation; and (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.
51. "Nonconforming Use" means a use of land that:(a)legally existed before its current land use designation;(b)has been maintained continuously since the time the land use ordinance governing the land changed; and(c)because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
52. "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width, and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision, or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.
53. "Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

54. "Owner Occupancy" means a property where the property owner resides as reflected in title records makes his or her legal primary residence at the site, as evidenced by voter registration vehicle registration driver's license county assessor records or similar means.
55. "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
56. "Permitted Use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
57. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.
58. "Planning Commission" means the Town of Brighton Planning Commission.
59. "Primary Dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.
60. "Provisional Parking" means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved.
61. "Residential Zone" means any forestry zone or any zone that permits single-family residential uses.
62. "Right-of-way" means any recognized (recorded, platted, prescriptive, or other) shared vehicular accessway that extends along either private or public property for the purpose of accessing multiple properties.
63. "Road" can be used interchangeably with the word street.
64. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.
65. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
66. "Second Kitchen" means an additional kitchen with typical appliances and surfaces including a range and/or the 220v or gas hookups for a range. A wet bar without the range or hookups is not considered a kitchen. Second kitchens are only permitted as a part of an Interior Accessory Dwelling Unit.
67. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.
68. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs 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. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

69. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet (25') wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.
70. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership.
71. "Street Light" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.
72. "Structure" means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
73. "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
74. "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
  - a. "Subdivision" includes:
    - i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
    - ii. Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial purposes.
  - b. "Subdivision" does not include:
    - i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
    - ii. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with § 10-9a-524 if no new parcel is created;
    - iii. A recorded document, executed by the owner of record:
      - (a) Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
      - (b) Joining a lot to a parcel;
      - (c) A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code Annotated, § 10-9a-524 and §10-9a-608, if:
        - (i) No new dwelling lot or housing unit will result from the adjustment; and
        - (ii) The adjustment will not violate any applicable land use ordinance;
      - (d) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:



- (i) Is in anticipation of future land use approvals on the parcel or parcels;
  - (ii) Does not confer any land use approvals; and
  - (iii) Has not been approved by the land use authority;
  - (iv) A parcel boundary adjustment;
  - (v) A lot line adjustment;
  - (vi) A road, street, or highway dedication plat;
  - (vii) A deed or easement for a road, street, or highway purpose; or
  - (viii) Any other division of land authorized by law.
75. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code Annotated, §10-9a-608, that:
- a. Vacates all or a portion of the subdivision;
  - b. Alters the outside boundary of the subdivision;
  - c. Changes the number of lots within the subdivision;
  - d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
  - e. Alters a common area or other common amenity within the subdivision.
76. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.
77. "Substantial improvement" means:
- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either:
    - i. Before the improvement or repair is started; or
    - ii. If the structure is damaged and is being restored, before the damage occurred.
  - b. 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.
  - c. The term does not, however, include either:
    - i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
    - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
78. "Trails" means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.
79. "Utility Company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.
80. "Utilities or Improvements" means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such as sidewalks, curbs, gutters, and streets.
81. "Vehicle" means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

82. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:
- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
  - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
  - c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
  - d. Vehicles with more than two axles; or
  - e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

#### **19.04.030 GENERAL SITE STANDARD DEFINITIONS**

Site Development terms used in Title 19 are defined as follows:

“Active Recreation” means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.

“Arterial Street” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway, or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.

“All Weather Surface” means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.

"Alley" means a public or private way that affords a secondary means of access to abutting property. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one-floor level shall be classified as a basement unless such floor level qualifies as a first story.

“Base Density” means the original density permitted under the property’s zoning category, in dwelling units per acre.

“Buildable Area” means a lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a slope of thirty percent (30%) or greater;
2. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide, or rockfall

3. The engineering properties of the soil provide adequate structural support for the intended use; and
4. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.

"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.

"Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.

1. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
2. The outer four feet (4') of completely open, uncovered, cantilevered balconies having a minimum of eight feet (8') of vertical clearance below.

"Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur. The building envelope is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.

"Building Facade" means the exterior of a building located above ground and generally visible from public points of view.

"Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty inches (30") tall, measured from the finished grade are not part of the building footprint.

"Building Height" means the vertical distance above the lowest original ground surface at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roof.. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave.

1. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured separately.
2. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations including but not limited to grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade

alterations, the elevation of the original grade shall be determined by the development services division using the best information available. The elevation shall be determined using a certified topography survey with a maximum contour interval of two feet (2').

“Building Street Frontage” means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.

“Build-to-Line” means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks or pedestrian paths to encourage pedestrian activity.

"Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.

"Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.

“Dedication” means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

"Entrance" means the location of ingress to a room, building, or lot; a location of admittance.

"Exit" means the location of egress from a room, building, or lot.

“Fence” means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.

"Final Plat" means a plat map prepared in accordance with the provisions of this Ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.

"Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.

“Grade, Finished” means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".

“Grade, Natural” means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent,

an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director.

“Grade, Natural” is also referred to as "existing grade".

“Green Space” means open space maintained in a natural, undisturbed, or revegetated condition.

“Guarantee” means a bond, escrow or irrevocable letter of credit given by the applicant (a) to ensure the proper installation of public infrastructure and improvements.

"Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.

"Lot" **or “Lot of Record”** means a parcel of land **that existed**, occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet (20’) wide, **as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952[-] or all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.** Except as provided in this Title, not more than one dwelling structure shall occupy one lot.

"Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

“Lot, Double Fronting” means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.

"Lot, Interior" means a lot other than a corner lot.

“Lot Line Adjustment” means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

“Lot Line, Front” means the front boundary line of a lot bordering the street.

“Lot Line, Rear” means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').

“Lot Line, Side” means any lot boundary line not a front lot line or a rear lot line.

"Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.

"Main Building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.

"Major Local Street" means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.

"Marginal Access Street" means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.

"Off Street Parking" means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.

"Organic Disposal Site" means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

"Open Space" means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area.

Open space may include sensitive areas, such as areas with thirty percent (30%) or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.

"Parking Lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

"Parking Space" means space within a building, lot, or parking lot for the parking or storage of one automobile.

"Passive Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.

"Preliminary Approval" means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

"Preliminary Plat" means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.

"Public Utility Easement" An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.

"Setback" means a distance from a curb, property line, or structure within which building is prohibited.

"Side Yard, Corner Lot" means a side lot line that abuts a street.

"Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.

"Stealth Design" means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet (6') above grade for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade at any point, such usable or unused underfloor space will be considered as a story.

"Story, First" means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet (4') below grade for more than fifty percent (50%) of the total perimeter, or not more than eight feet (8') below grade at any point.

"Story, Half" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

"Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

1. Fences and walls that conform with this code.
2. Landscape elements including trees, shrubs, and other plants.
3. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
4. Cornices, eaves, belt courses, buttresses, and other similar architectural features may project into any yard not more than two feet (2').
5. Bay windows, cantilevered floors, and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
6. Porches, door stoops, awnings, fire escapes, and stairways may project into an interior side yard not more than two feet (2') and a front, rear, or corner side yard not more than four feet (4').

7. Accessory structures subject to this Title.

"Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

"Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

"Yard, Required" means the open space around buildings which is required by the terms of this Title.

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



**SUMMARY OF**  
**BRIGHTON**  
**ORDINANCE NO. 2024-\_\_\_\_\_**

On \_\_\_\_\_, 2024, the Brighton Town Council enacted Ordinance No. 2024-\_\_\_\_\_, amending sections 19.04.020 and 19.04.030 to revise the definitions of “lot” and “lot of record”.

**BRIGHTON TOWN COUNCIL**

\_\_\_\_\_  
By: Dan Knopp, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Kara John, Clerk

\_\_\_\_\_  
METRO TOWNSHIP ATTORNEY

Voting:

Council Member Bossard	voting ____
Council Member Brunhart	voting ____
Council Member Keighley	voting ____
Council Member Knopp	voting ____
Council Member Zuspan	voting ____

A complete copy of Ordinance No. 2024-\_\_\_\_\_ is available in the office of the Greater Salt Lake Municipal Services District, 2001 South State Street, N3-600, Salt Lake City, Utah.