

TITLE 11
CHAPTER 2
DEFINITIONS

SECTION:

11-2-1: Definitions

11-2-1: DEFINITIONS

The following terms used in this title shall have the respective meanings hereinafter set forth:

- ALLEY:** A narrow public or private way which affords a secondary means of access to abutting property. An alley is not intended for general travel and shall be less than twenty feet (20') in width.
- APPEAL AUTHORITY:** An appeal authority has been created by the legislative body of River Heights City, Utah, pursuant to state statute. See River Heights City, Utah, land use (zoning) ordinance of this code (title 10 of this code).
- BENCH MARK:** A mark affixed to a permanent or semipermanent object along a line of survey to furnish a datum level. See definition of Monument.
- CITY:** River Heights City, county of Cache, state of Utah.
- CITY COUNCIL:** The elected legislative body of River Heights City, county of Cache, state of Utah.
- CITY ENGINEER:** Any professional civil engineer licensed by the state of Utah and appointed by the city council to accomplish the objectives of this title; provided, that no such person may serve the city and a subdivider simultaneously where he would have to check his own work or the work of a member of his firm in connection with any subdivision in the city.
- COLLECTOR STREET:** A street, existing or proposed, which serves or is intended to serve as a major trafficway and which is designated on the master street plan as a controlled access highway, major street or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
- COMMISSION:** Unless otherwise clearly indicated, the River Heights City planning commission.

CROSSWALK OR WALKWAY:	A right of way designated for use by pedestrians and not intended for use by motor vehicles when in use by a pedestrian, with the exception of emergency vehicles.
CUL-DE-SAC:	A dead end street, having an open end for ingress and egress, with a vehicular turnaround at the closed end. Ordinance specifications detail the length of such a street, width of street, fire hydrant locations, turnaround details and other specifications.
DEVELOPER:	Any legal entity or individual who subdivides a parcel of land. The entity may also be referred to as a subdivider.
DRIVEWAY:	A private roadway, the use of which is limited to persons residing, employed at or otherwise using or visiting the lot on which the roadway is located.
EASEMENT:	A quantity of land, existing distinct from the ownership of the land, over which a liberty, privilege or advantage in land without profit is granted to the public or some particular person or part of the public.
FINAL PLAT:	A map or chart of a subdivision prepared in accordance with the provisions of this title, that has been accurately surveyed by a licensed surveyor and with such survey results clearly shown on the map and pertinent details marked or staked on the ground, so that the streets, alleys, lanes, blocks, lots and other divisions thereof can be identified. It should also include such other data, certification or information as stipulated by this title. The final plat, after proper signatures are obtained, is designated to be placed on record in the office of the Cache County recorder.
IMPROVEMENTS:	Devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, water facilities, sewer facilities, sidewalks, curbs and gutters, parking strips, drainage facilities, streets, trees, street signs, streetlights, traffic control devices, safety devices, fire hydrants, and such other facilities or construction as may be required by this title.
LANE:	A public or private way which affords primary access to abutting property or properties.
LOCAL STREET:	See definition of Minor Street.
LOT:	A portion of a subdivision, or land, intended as a unit for building development, or designated as "unbuildable" as determined by the current ordinances. A lot may be subject to sale or transfer of ownership.

LOT WIDTH:	The width of the lot measured along the front building setback line.
MINOR STREET:	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.
MINOR SUBDIVISION:	A minor subdivision involves dividing a parcel of land into three (3) or less lots in which the subdivided lots are on a dedicated city street (parallel to the street), or in which the subdivided lots lay immediately behind the parcel of land being subdivided (perpendicular to the street) and involve either a dedicated street or nondedicated street (private lane).
MONUMENT:	A mark affixed to a permanent or semipermanent object along a line of survey to furnish a datum level. See definition of Bench Mark.
OWNER:	The person, partnership, corporation, or other entity in which is vested the fee simple title of the property, which may or may not be intended to be subdivided, unless otherwise clearly indicated.
PARCEL OF LAND:	A contiguous quantity of land, in the possession of, or owned, or recorded as the property of, the same claimant or person.
PLANNING COMMISSION:	The River Heights City planning commission, unless another planning commission is specifically named or referenced.
PRELIMINARY APPROVAL:	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 of the final plat.
PRELIMINARY PLAT:	A map or plan of a proposed land division or subdivision prepared in accordance with the requirements of this title.
PRIVATE LANE:	A lane on privately owned property, limited to the use of the owner or a group of owners who share the use and maintain the lane without the assistance of a government agency. A private lane is not given to a government entity nor accepted by that entity for public use.
PROTECTION STRIP:	A piece of property, not less than one foot (1') in width, whose ownership is held by an entity different from that of adjacent properties in which access across or through may be restricted until ownership has been transferred to the adjacent property owners.
SECURITY OF PERFORMANCE:	Financial assurance provided by the subdivider to the city that all improvements are constructed in accordance with all relevant city ordinances, regulations and standards, and that all expenses

incurred for labor and materials used in the construction of the improvements are paid for by the subdivider.

SITE ANALYSIS MAP: A map or drawing, illustrated to scale, indicating all existing resources contained in or on a parcel or plot of land.

SKETCH PLAN: A conceptual drawing of the proposed development prepared in accordance with the requirements of this title.

SUBDIVIDE (AND ANY DERIVATIVE THEREOF): Shall have reference to the term "subdivision", as defined in this section.

SUBDIVIDER: Any legal entity who subdivides a parcel of land.

SUBDIVISION:

A. Any land that is divided, resubdivided or proposed to be divided into two (2) 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 an installment plan or upon any and all other plans, terms, and conditions.

B. "Subdivision" includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
2. Except as provided in subsection C of this definition, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

C. "Subdivision" does not include:

1. 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 zoning ordinance;
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 result in a violation of applicable zoning ordinances; or

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the city's subdivision ordinance.

SUBDIVISION
REQUIREMENTS:

Those requirements that are adopted by the legislative governing body of the city for the necessary proper development of the proposed subdivision.

VARIANCE
BOARD:

See definition of Appeal Authority. (4-2010, 7-13-10)