

CHAPTER 2
DEFINITIONS

SECTION:

11-2-1: Definitions

11-2-1: **DEFINITIONS:** The following words and phrases used in this title shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context:

ADJACENT LANDOWNERS: Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

ALLEY: A public thoroughfare less than twenty six feet (26') wide.

BLOCK: The 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.

BOARD OF ADJUSTMENT: A body appointed by the Fruit Heights city council for the purpose of hearing appeals.

BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES: The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

CITY: Fruit Heights City, Utah.

CITY COUNCIL: The city council of Fruit Heights City, Utah.

CITY ENGINEER:	The city engineer of Fruit Heights City, Utah, or a consulting engineering firm designated as the city engineer by the city council.
CITY PLANNER:	The professional planner of Fruit Heights City, Utah, or person designated as such by the Fruit Heights City council.
COUNTY:	Davis County, Utah.
DEDICATION:	Land set aside by an owner for any general and public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereof.
DEVELOPER:	Any person who undertakes to develop land, including subdividers.
DEVELOPMENT:	The improvement of any tract lot, or parcel of land by construction thereon.
EASEMENT:	That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.
FINAL PLAT:	The final drawing of the subdivision and dedication prepared for filing for record with the county recorder and in compliance with all the requirements set forth in this title and adopted pursuant thereto.
LOT:	A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of ownership, together with such yards, open spaces, lot width and area as required by the zoning ordinance of Fruit Heights City having frontage upon a street or upon a right of way.

LOT RIGHT OF WAY:	A strip of land of not less than twenty feet (20') wide connecting a lot to a street for use as private access to that lot.
MASTER PLAN:	A plan, labeled "Master Plan Of Fruit Heights City", including maps or reports or both, which has been approved by the city council as required by law, or such plan as it may be amended from time to time and so certified to the city council.
OFF SITE:	Outside a specific parcel of land being developed or considered for development.
OFFICIAL ZONING MAP:	A map adopted by the city council under the provisions of state statute.
ON SITE:	Within a parcel of land owned by a private citizen or by a private legal entity.
PARCEL OF LAND:	A contiguous quantity of land in the possession of, owned by, or recorded as the property of the same owner or person.
PERSON:	Any individual, corporation, partnership, limited liability company or partnership, firm or association of individuals, however styled or designated.
PLANNING COMMISSION:	The Fruit Heights City planning commission.
PLAT:	A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks and streets, or other divisions and dedications.
SECURITY:	A bond, escrow or irrevocable letter of credit given by the developer to ensure the proper installation of public improvements.
STREET:	A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not

less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

- STREET, ARTERIAL:** A street, existing or proposed, which serves or is intended to serve as a major trafficway, and is designated on the master 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.
- STREET, COLLECTOR:** A street, existing or proposed, which is the main means of access to an arterial street system.
- STREET, CUL-DE-SAC:** A minor terminal street provided with a turnaround.
- STREET, PRIVATE:** Private streets are allowed only in PRUDs, and are outlined in subsection 10-10B-4J of this code.
- STREET, RESIDENTIAL:** A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve the local needs of a neighborhood.
- SUBDIVIDER:** Any person who undertakes to create a subdivision.
- SUBDIVISION:** 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 the installment plan or upon any and all other plans, terms, and conditions.

A. "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 A 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.

B. "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.

C. 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 subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

ZONING ORDINANCE: The zoning ordinance of Fruit Heights City. (Ord., 5-5-1998; amd. 2006 Code)

