

Elwood Town, Utah
Title 11—Subdivisions

Chapter 11.13
Definitions

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11.13.010 Purpose

The purpose of this chapter is to provide specific meanings for terms as they are used in this title and to facilitate the understanding and administration of the provisions of this title. Meanings shall apply to the singular or plural and to any tense of a verb. Definitions of pertinent terms provided in the Utah Code Annotated are adopted as part of this title.

11.13.020 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot or parcel. Words used in this Title but not defined herein shall have the meaning as defined in any other title adopted by the local jurisdiction.

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

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

Agent: Means the person with written authorization to represent a property owner.

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Agricultural Subdivision: Means any subdivision that is a lot or parcel resulting from a division of agricultural land and meets those requirements outlined by Section 11.03.010(B).

Appeal Authority: Means the person, board, commission, agency, or other body designated by this Ordinance to decide an appeal of a decision of a Land Use Application.

Applicant: Means any person(s) presenting an Application for an approval required by this Ordinance.

Application: Means a written request for an approval and completed in a manner prescribed by this Ordinance for review and decision by a Land Use Authority.

Arterial Street: A street existing or proposed, which serves or is intended to serve as a major traffic-way and is designated on the Town Transportation System Master Street Plan, may be classified as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the Elwood Transportation System Master Street Plan.

Chief Executive Officer: Means Elwood Town is identified as the Elwood Town Chief Executive Officer.

Code: Means the Utah Code Annotated, 1953, as amended.

Collector Street: A street, existing or proposed, of considerable continuity which is a primary means of access to the major street system, and is designated a collector street on the Elwood Transportation System Master Street Plan.

Commission: Means the Planning Commission of Elwood Town, Utah.

Constitutional Taking: Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
2. Utah Constitution Article I, Section 22.

Council: Means the duly elected Town Council of Elwood Town, Utah.

Culinary Water Authority: Means 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.

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.

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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.

Easement: Means that portion of a lot, parcel, or tract reserved for present or future use by a person or agency other than the fee owner(s) of the property. The easement may be for use under, on, or above said lot or land parcel.

Exaction: Means a requirement or condition imposed on a Subdivision Application if:

1. an essential link exists between a legitimate governmental interest and each exaction; and
2. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

General Plan: Means the Elwood Town General Plan, such document setting forth general guidelines for proposed future development of the land within Elwood Town.

Land Use Application: Means an application required by a municipality's land use ordinance. For the purposes of this Ordinance, a Conceptual Plan Application, a Preliminary Subdivision Application, and Final Subdivision Application are determined to be Land Use Applications.

Land Use Authority: Means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. For the purposes of this Ordinance, the Planning Commission and Council are both identified as a Land Use Authority, being designated as such by the passage of this Ordinance by the Elwood Town Council.

Land Use Ordinance: Means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. This Ordinance is a Land Use Ordinance of Elwood Town, Utah.

Land Use Permit: Means a permit issued by a Land Use Authority. For the purposes of this Ordinance, a Preliminary Subdivision Application approval and a Final Subdivision Application approval are identified as a Land Use Permit.

Legislative Body: Means the duly elected Town Council of Elwood Town, Utah.

Local Street: A thoroughfare dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

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.

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Mayor: Means the duly elected Mayor of Elwood Town, Utah.

Minor Subdivision: Means any subdivision that does not contain more than three lots and meets those requirements outlined by Section 11.03.010(A).

Monument: A permanent survey marker established by the Box Elder County Surveyor and/or a survey marker set in accordance with the Town Engineer's specifications and referenced to Box Elder County survey monuments.

Noncomplying Structure: Means a structure that:

1. legally existed before its current land use designation; and
2. 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.

Nonconforming Use: Means a use of land that:

1. legally existed before its current land use designation;
2. has been maintained continuously since the time the land use ordinance governing the land changed; and
3. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Official Map: Means a map drawn by municipal authorities and recorded in a county recorder's office that:

1. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
2. 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
3. has been adopted as an element of the municipality's general plan.

Owner: Means any person who alone, jointly or severally with others, has a legal or equitable title to property.

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

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Plat: Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603 or Section 17-23-17 of the Utah Code.

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

Public Meeting: Means a meeting that is required to be open to the public under Title 52, Chapter 4, Utah Open and Public Meetings Act.

Record of Survey Map: Means a map of a survey of land prepared in accordance with Section 17-23-17 of the Utah Code.

Right-of-Way: Means any area provided for conveying vehicle and pedestrian traffic.

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.

Special Service District: Means an entity established under the authority of Title 17D, Chapter 1, Special Service Districts, of the Utah Code, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Special Exception: An adjustment to a subdivision development standard and authorized as an adjustment to the requirements of this Ordinance, such adjustment requiring careful review.

Specified Public Utility: Means an electrical corporation, gas corporation, or telephone corporation as those terms are defined in Section 54-2-1 of the Utah Code Annotated, as amended.

Street: Means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

Subdivision: Means "subdivision" as defined by Section 11.01.050 herein and the Utah State Code. Subdivision does not include any action as identified and defined by Section 11.01.060 herein and the Utah State Code.

Subject Property: Means the land area identified by the Parcel Identification Number, provided by the Box Elder County Recorder's Office or Box Elder County Assessor's Office, for which an approval is required to comply with this Ordinance or the Act.

Transportation System Master Plan: A map of Elwood Town and future annexations areas showing existing public streets and location of future public streets and which has been officially adopted by the Town Council as the Elwood Transportation System Master Plan.

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Town Attorney: Means an attorney admitted to practice law in the State of Utah and so appointed by the Town. Any references to a “city attorney” are the same as “town attorney.”

Town Engineer: Means a registered Civil Engineer so appointed by the Town. Any references to a “city engineer” are the same as “town engineer.”

Town Planner: Means the person so appointed by the Town. Any references to a “city planner” are the same as “town planner.”

Town Recorder: Means the person so appointed by the Town. Any references to a “city recorder” are the same as “town recorder.”

Unincorporated: Means the area outside of the incorporated area of a city or town.

Zoning Map: Means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts of Elwood Town, Utah.