

**Section 1101—Purpose and Conflicts:**

This Chapter provides definitions of general terms used throughout this Ordinance for which a definition is considered necessary. The words and terms defined in this chapter shall have the meanings as indicated. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory the word "may" is permissive. The word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. For the convenience of users of this Ordinance, certain terms may be illustrated herein. If a conflict arises between an illustration and a definition, the definition shall apply.

**Act:** Means Title 10 Chapter 9a of the Utah Code Annotated, as amended.

**Affected Entity:** Means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, 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:

- 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 municipality a copy of the entity's general or long range plan; or
- c) 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.

**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/Owner:** Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity, that has legal title to real property proposed for residential subdivision, installs the required infrastructure improvements, and builds the residences within the subdivision.

**Application:** A Concept Plan, Preliminary Subdivision, or Final Subdivision Application as required by this Ordinance.

**Buildable Area:** A portion of a building site that conforms to all minimum criteria required for the placement of a structure.

**Chief Executive Officer:** Means the:

- a) Mayor in municipalities operating under all forms of municipal government except the Council-Manager form; or
  - b) City Manager in municipalities operating under the Council-Manager form of municipal government.
- For the purposes of this Ordinance, the Roy City City Manager is identified as the Roy City Chief Executive Officer.

**City:** Roy City, Utah.

**City Council:** The City Council and legislative body of Roy City, Utah.

**City Engineer:** The City Engineer of Roy City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.

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

**Concept Plan Conference:** An opportunity for an Applicant(s) to meet with City Staff to obtain necessary information regarding the City's applicable subdivision requirements. No fee is required.

**Condominium:** Means the ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property.

**Condominium Plat:** Means a plat or plats of survey of land and units prepared in accordance with Section 57-8-13 Utah Code Annotated, 1953, as amended.

**Condominium Project:** Means 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 also means the property when the context so requires.

**Condominium Unit:** Means a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this Ordinance or the Condominium Ownership Act, Section 57-8-1 Utah Code Annotated, 1953, as amended, to a condominium unit includes both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

**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:

- a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- b) Utah Constitution Article I, Section 22.

**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. For the purposes of this Ordinance, the Roy City Engineer is identified as the Roy City Culinary Water Authority.

**Development Review Committee (DRC):** A committee of City Staff and other public or private service providers responsible to provide technical review of all subdivision applications.

**Development Services Director:** The Development Services Director of Roy City, Utah, or authorized designee.

**Development Standards and Specifications:** Documents provided by the City that contain text and diagrams for detailed construction and installation of public infrastructure and improvements. The documents shall be approved by the City Engineer and approved by Resolution by the City Council.

**Discretionary Action:** A final decision on any application rendered by the City Council based on information provided by the Applicant(s), DRC, and Planning Commission and accompanied with the finding of facts.

**Easement:** A grant of the use of land by the property owner to the public, a corporation, or person for specific uses and purposes.

**Excavation:** Any disruption of the soil or surface of land for the purpose of preparing land for development.

**Frontage:** All property fronting on one side of the street or right-of-way.

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

**Guarantees:** A bond, escrow, or irrevocable letter of credit given by the Applicant(s) and approved by the City to ensure the proper installation of public improvements. **Land Use Application:** Means an application required by a municipality's land use ordinance. For the purposes of this Ordinance, a Concept 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 Council is identified as a Land Use Authority for the approval of Preliminary Subdivision Applications and the Mayor is identified as a Land Use Authority for the approval of Final Subdivision Applications, being designated as such by the passage of this Ordinance.

**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 Roy City, 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.

**Legal Lot/ Legal Lot of Record:** Any land parcel that existed, as recorded in the Office of the County Recorder, with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to the date of first City Subdivision Ordinance enactment, and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the City and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.

**Legislative Body:** Means the duly elected City Council of Roy City, Utah. **Lot:** A legal lot or tot of record as defined herein.

**Lot Line Adjustment:** The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.

**Major Street Plan:** A map or plan showing the current and/or proposed future layout of all classifications of streets within Roy City. This may also be referred to as the Master Street Plan or Transportation Plan of Roy City.

**Noncomplying Structure:** Means a structure that:  
a) legally existed before its 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.

**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.

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

- a) shows actual and proposed rights-of-way, centerline alignments, and setbacks 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 municipality's general plan.

**Off-site Improvements:** All improvements required to provide necessary services and utilities to a subdivision and located either within, or outside, the boundaries of the subject property being divided.

**On-site Improvements:** All improvements required to provide necessary services and utilities to a lot and required to qualify for a building permit and located within the boundaries of a lot.

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

**Planning Commission:** The Planning Commission of Roy City, Utah.

**Plat:** Means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9a-603, Section 17-23-17, or Section 57-8-13 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:** A portion of land dedicated for public uses such as streets, sidewalks, trees, and public or private utilities and improvements.

**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. For the purposes of this Ordinance, the Roy City Engineer is identified as the Roy City Sanitary Sewer Authority.

**Special District:** Means an entity established under the authority of Title 17A, Special 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.

**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 105 herein, and the Act. Subdivision does not include any action, as identified and defined by Section 106 herein, and the Act

**Subject Property:** The land area proposed to be divided as provided by this Ordinance and included within an application for subdivision approval.

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

**Utilities or Improvements:** 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.

**Zoning Ordinance:** The adopted Zoning Ordinance of Roy City, Utah.

**Zoning Map:** Means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts of Roy City.