

ORDINANCE NO. 19-2023

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE REGARDING AMENDING THE SUBDIVISION REGULATIONS; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1. Recitals:

WHEREAS, West Haven City (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding subdivisions; and,

WHEREAS, the Utah State Legislature has made changes to the Utah State Code regarding subdivisions which make it necessary to make changes to the City Code; and

WHEREAS, the City Council finds that certain changes to the City Code regarding subdivision regulations should be made to conform with the Utah State Code; and,

WHEREAS, the Planning Commission held a public hearing regarding the proposed changes to the subdivision regulations; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that:

The West Haven Code “**CHAPTER 156: SUBDIVISION REGULATIONS**” shall be repealed and shall be replaced with “**CHAPTER 156: SUBDIVISION REGULATIONS**”, the new language attached as “Exhibit A” to this Ordinance.

The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances, and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 18th day of October 2023 and after publication or posting as required by law.

DATED this 18th day of October 2023.

WEST HAVEN, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and Recorded

Emily Green

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

EXHIBIT A

CHAPTER 156: SUBDIVISION REGULATIONS

DRAFT

1 **CHAPTER 156: SUBDIVISION REGULATIONS**
2

3 156.001 PURPOSE- INTENT- SCOPE- VALIDITY
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18

19 **§ 156.001 PURPOSE- INTENT- SCOPE- VALIDITY**

- 20 A. The underlying purpose and intent of this chapter is to promote the health, safety,
21 convenience, and general welfare of the inhabitants of the incorporated city in the matter of
22 the subdivision of land and related matters affected by such subdivision.
- 23 B. No person shall subdivide any tract of land which is located wholly in the city, except in
24 compliance with this chapter.
- 25 C. No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is a
26 part of a subdivision of a larger tract of land, nor offer for recording in the office of the
27 County Recorder any deed conveying such a parcel of land, or any interest therein, unless
28 such subdivision has been created pursuant to, and in accordance with, the provisions of this
29 chapter.
- 30 D. No permit for the erection, construction, reconstruction, alteration, or use of any structure
31 will be issued until the subdivision has been approved and recorded according to the
32 provisions of this chapter. Any license or permit issued in conflict with this chapter shall be
33 null and void.
- 34 E. This chapter shall not apply to any lot or lots forming a part of a subdivision created and
35 recorded prior to the effective date of the subdivision regulations adopted in the city on
36 March 1992.
- 37 F. If any section, subsection, paragraph, or requirement of this Chapter is found to be invalid
38 by a Court of competent jurisdiction, such finding shall not render any other portion of this
39 Chapter as null and void.

40 G. Regulations in this Chapter notwithstanding, the design and layout of all subdivisions,
41 regardless of type or size, shall be designed in accordance with the West Haven City Zoning
42 Code and West Haven City Engineering Design Standards and Specifications.

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44 **§ 156.002 DEFINITIONS**

45 For the purpose of this chapter, the following definitions shall apply unless the context clearly
46 indicates, or requires, a different meaning.

47 A. ADMINISTRATIVE LAND USE AUTHORITY. An individual, board, or commission,
48 appointed or employed by West Haven City, including City staff or the WHC Planning
49 Commission, which is tasked with the review and approval of subdivisions, as outlined in
50 this Chapter. Does NOT include the West Haven Mayor or City Council nor does it
51 include a member of the City Council. Referred to herein as ALUA.

52 B. ALLEY. A public thoroughfare less than 26 feet wide.

53 C. AVERAGE PERCENT OF SLOPE. An expression of rise or fall in elevation along a line
54 perpendicular to the contours of the land connecting the highest point of land to the
55 lowest point of land within a parcel or lot. A vertical rise of 100 feet between two points
56 100 feet apart measured on a horizontal plane in a 100% grade.

57 D. BLOCK. The land surrounded by streets and other rights-of-way other than an alley, or
58 land which is designated as a block on any recorded subdivision plat.

59 E. CITY. The City of West Haven, Utah.

60 F. CITY COUNCIL. The City Council of West Haven, Utah

61 G. CUL-DE-SAC. A minor terminal street provided with a turnaround.

62 H. EASEMENT. The portion of a lot or lots reserved for present or future use by a person or
63 agency other than the legal owner or owners of said property or properties. The easement
64 may be for use under, on, or above said lot or lots.

65 I. FLOODPLAIN. The relatively flat area or lowlands adjoining a river stream,
66 watercourse, lake, or other body of standing water that has or may be covered by
67 floodwater. The boundaries of the floodplain are the boundaries of the base flood (100-
68 year flood) as identified by the Federal Flood Insurance Administration in its flood
69 hazard boundary map (FHBM) (#490187A) dated May 2, 1978, as amended from time to
70 time.

71 J. HALF STREET. The portion of a street within a subdivision comprising of one-half the
72 required right-of-way width upon which improvements in accordance with one-half of an
73 approved typical street cross section are constructed.

74 K. HOUSING, CONDOMINIUM. A building or group of buildings containing individually
75 owned single-family dwelling units where ownership is limited to the interior walls,
76 floors, and ceilings of the unit, where there may be units above or below, and where the

- 77 owner of each unit holds a common or joint ownership in all common areas and facilities
78 associated with the unit.
- 79 L. HOUSING, MULTI-FAMILY. A building or group of buildings under a single
80 ownership, which is designed and divided in such a manner that it contains three (3) or
81 more dwelling units.
- 82 M. HOUSING, SINGLE-FAMILY. An independent residential structure that sites on its own
83 land and is designed to house a single family.
- 84 N. HOUSING, TOWNHOME. A group of 3 or more attached single-family residential
85 structures, each of which is connected to one or more single-family residential
86 structure(s) by a ground-to-roof wall and where each structure is designed to be
87 individually owned and where no dwelling units are located above or below.
- 88 O. HOUSING, TWIN-HOME. A single-family residential structure which is connected to
89 one additional single-family residential structure by a ground-to-roof wall and where
90 each of the two structures are designed to be individually owned.
- 91 P. HOUSING, TWO-FAMILY. A dwelling under a single ownership, but which is
92 arranged, designed for, and occupied by two (2) families living independently of each
93 other and containing two (2) dwelling units. May also be referred to as a “duplex.”
- 94 Q. MARGINAL ACCESS (STREET). A minor street which is parallel to and adjacent to a
95 limited access major street and which provides access to abutting properties and
96 protection from through traffic.
- 97 R. PRIVATE STREET. A thoroughfare within a subdivision which has been reserved by
98 dedication unto the subdivider or lot owners to be used as private access to serve the lots
99 platted within the subdivision and complying with the adopted street cross section
100 standards of the city and maintained by the subdivider or other private agency.
- 101 S. REVIEW CYCLE. The occurrence of:
- 102 a. The applicant’s submittal of a complete subdivision land use application;
103 b. West Haven City’s review of said application;
104 c. West Haven City’s response to said application, in accordance with the terms of
105 this Chapter; and
106 d. The applicant’s response to each and every one of West Haven City’s required
107 modifications or request for additional information.
- 108 T. SUBDIVISION. Any land that is divided, re-subdivided, or proposed to be divided into
109 two or more lots or other division of land for the purpose, whether immediate or future,
110 for offer, sale, lease, or development either on the installment plan or upon any and all
111 other plans, terms, and conditions.
- 112 a) Subdivision includes:

- 113 i. The division or development of land, whether by deed, metes and bounds
114 description, devise and testacy, map, plat, or other recorded instrument, regardless
115 of whether the division includes all or a portion of a parcel or lot; and
- 116 ii. Except as provided in this definition, divisions, or land for residential and
117 nonresidential uses, including land used or to be used for commercial,
118 agricultural, and industrial purposes.
- 119 b) Subdivision does not include:
- 120 i. A bona fide division or partition of agricultural land for the purpose of joining one
121 of the resulting separate parcels to a contiguous parcel of unsubdivided
122 agricultural land, if neither the resulting combined parcel nor the parcel remaining
123 from the division or partition violates an applicable land use ordinance;
- 124 ii. A boundary line agreement recorded with the Weber County Recorder's Office
125 between owners of adjoining parcels adjusting the mutual boundary, if no new
126 parcel is created;
- 127 iii. A recorded document, executed by the owner of record revising the legal
128 descriptions of multiple parcels into one legal description encompassing all such
129 parcels, or joining a lot to a parcel;
- 130 iv. A boundary line agreement between owners of adjoining subdivided properties
131 adjusting the mutual lot line boundary if no new dwelling lot or housing unit will
132 result from the adjustment and the adjustment will not violate any applicable land
133 use ordinance. Such agreement shall be processed as a subdivision amendment;
- 134 v. A bona fide division of land by deed or other instrument if the deed or other
135 instrument states in writing that the division of land is in anticipation of future
136 land use approvals on the parcel(s), does not confer any land use approvals, and
137 has not been approved by the land use authority;
- 138 vi. A parcel boundary adjustment;
- 139 vii. A lot line adjustment;
- 140 viii. A road, street, or highway dedication plat;
- 141 ix. A deed or easement for a road, street, or highway purpose; or
- 142 x. Any other division of land authorized herein.
- 143 U. SUBDIVISION IMPROVEMENT PLANS. The civil engineering plans associated with
144 required infrastructure and utilities required for a subdivision.
- 145 V. SUBDIVISION, MAJOR. A subdivision, as defined herein, containing six (6) or more
146 building lots, or which involves the construction and/or dedication of any new public
147 infrastructure or improvements.

148 W. SUBDIVISION, MINOR. A subdivision, as defined herein, containing one (1) to five (5)
 149 new building lots and which does not involve the construction and/or dedication of new
 150 public infrastructure or improvements.

151 X. SUBDIVISION ORDINANCE REVIEW. Review by West Haven City to verify that a
 152 subdivision land use application meets the criteria of this Chapter and by applicable City
 153 zoning standards.

154 Y. SUBDIVISION PLAN REVIEW. A review of the applicant's subdivision improvement
 155 plans and other aspects of the subdivision land use application to verify that the
 156 application complies with West Haven City Ordinances and other applicable standards
 157 and specifications.

158 Z. ZONING ORDINANCE. The uniform zoning ordinance of the city as adopted by the
 159 City Council, as amended from time to time.

160 **§ 156.003 LAND USE AUTHORITY FOR SUBDIVISIONS**

161 A. The following individual, board, or commission shall serve as the land use authority for
 162 single-family, twin-home, two-family, or townhome subdivision plats in West Haven
 163 City. (Note: minor subdivisions are eligible for consolidation into a single, combined
 164 preliminary and final plat, provided they meet the definition outlined above.)

Subdivision Type	Plat Type	ALUA	Community Development Staff
Minor	Preliminary	X	
	Final		X
	Combined	X	
Major	Preliminary	X	
	Final		X

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 166 B. The following shall serve as the land use authority for all non-residential subdivisions
 167 and those residential subdivisions which involve the construction of condominium or
 168 multi-family units, including subdivisions which will involve a combination of housing
 169 types, one of which is condominium or multi-family units.

Subdivision Type	Plat Type	Planning Commission	City Council
Minor	Preliminary	X	
	Final		X
	Combined	X	X
Major	Preliminary	X	
	Final		X

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173 C. Administrative Land Use Authority:

174 i. The West Haven City Planning Commission shall serve as the Administrative
175 Land Use Authority (ALUA) and shall exercise all powers granted to the ALUA
176 by this and other provisions of the West Haven City code.

177 ii. The ALUA shall set a regular meeting schedule for the review of those
178 subdivision plats where it is the designated land use authority.

179 iii. The ALUA shall ensure that all of the applicant's due process rights, as they
180 relate to the subdivision of the property, are preserved and protected.

181 **§ 156.004 PRELIMINARY PLAT- REQUIREMENTS- APPROVAL PROCESS-**
182 **TIME LIMITATION- GRADING LIMITATION**

183 A. Plat Requirements. Developers shall submit a preliminary plat for the entirety of the
184 subdivision and not just for a phase. The preliminary plat shall be drawn to a scale not
185 smaller than 100 feet to the inch and shall show:

186 i. The proposed name of the subdivision;

187 ii. The location of the development as part of a larger tract with a vicinity plan
188 showing the relative location of the development to adjacent streets and
189 geographic features;

190 iii. Sufficient information to locate accurately the property shown on the plan;

191 iv. The names and addresses of the subdivider, the engineer or surveyor of the
192 development, and the owners of the land immediately adjoining the land to be
193 subdivided;

194 v. Contour map at intervals of two feet, five feet, or ten feet;

195 vi. The boundary lines of the tract to be subdivided;

196 vii. The location, widths, and other dimensions of all existing or platted streets
197 and other important features, such as railroad lines, water courses, exceptional
198 topography, and buildings within or immediately adjacent to the tract to be
199 subdivided;

200 viii. Existing sanitary sewers, storm drains, water supply mains, water wells, and
201 culverts within the tract and within 100' of the boundary of the proposed
202 development;

203 ix. The location, widths, and other dimensions of proposed public streets, private
204 streets, or private access rights-of-way, alleys, utility easements, parks, other
205 open spaces, and lots with proper labeling which shall be public and which
206 shall be private; and

207 x. North point, scale, and date.

- 208 xi. If a developer intends on phasing the project, the preliminary plat shall show
209 the proposed phasing plan.
- 210 a) Approval of the preliminary plat shall constitute approval of the
211 proposed phasing plan. Should the subdivider determine to phase the
212 plan differently than what was approved with the preliminary plat,
213 they shall be required to receive approval of an amended preliminary
214 plat.

215 **B. APPROVAL PROCESS**

- 216 i. Within fifteen (15) business days of receiving a complete application, the West
217 Haven City Administrative Land Use Authority (ALUA) shall review all preliminary
218 plats. An application shall be considered complete when the City has received
219 electronic copies of the following:
- 220 a) A preliminary plat, containing the information outlined in this Chapter, and which
221 shows the entirety of the subdivision, including all phases, and not just a portion
222 of the overall property.
- 223 b) A subdivision application containing the developer's contact information, the
224 proposed name, zone, number of units, type of housing, and a brief narrative of
225 the subdivision.
- 226 1. If the developer is not the owner of record of the subject property, developer
227 shall provide the City with a notarized statement from the owner stating
228 developer has the authority to act in the owner's name.
- 229 c) An acknowledgement that the applicant has received and reviewed the most
230 current version of the West Haven City Engineering Design Standards and
231 Specifications.
- 232 d) All applicable filing fees.
- 233 1. Such fees shall be set by resolution or ordinance of the City Council and shall
234 be found in the West Haven City consolidated fee schedule.
- 235 e) Evidence that the subject property has clear title.
- 236 f) Notarized statements of one of the following options:
- 237 1. The property subject to the application is under a single ownership and the
238 applicant is the authorized agent; or
- 239 2. The developer is authorized to act on behalf of the owner(s) of the property.
- 240 ii. The ALUA shall set a time for reviewing the preliminary plat and shall notice said
241 review in the same manner as other public bodies.
- 242 iii. Should the ALUA, upon review of the preliminary plat, find that the needed changes
243 are significant enough to require resubmission of a preliminary, the ALUA shall
244 provide developer with such information as may be necessary to prepare the

245 resubmission. Any re-submissions shall be reviewed within fifteen (15) days of their
246 submittal and shall be reviewed/noticed in the same manner as the original
247 submission.

248 iv. Upon approval of the preliminary plat by the ALUA, the developer shall proceed to
249 prepare the final subdivision plat.

250 v. Within two (2) business days of approval, the Community Development staff shall
251 provide the developer with written notice of the approval, together with any
252 conditions which the ALUA shall deem necessary prior to or as part of the approval
253 of the final plat.

254 **C. TIME LIMITATION.**

255 i. Approval of the preliminary plat by the ALUA shall be valid for a period of twelve (12)
256 months, unless, upon application of the subdivider, the ALUA grants an extension, which
257 may only be granted if the subdivider applies for such extension prior to the expiration of
258 the approval.

259 ii. If the approval has expired, the subdivider shall be required to restart the approval
260 process and shall comply with ordinances which are in place at the time of the new
261 application.

262 a) An approval shall be considered expired if the final plat for the first phase of the
263 subdivision has not been submitted within the twelve (12) months.

264 **D. GRADING LIMITATION.** No site excavation or grading may occur prior to the ALUA
265 approval of the preliminary plat unless developer has obtained the written approval of the
266 West Haven City Engineer and if such approval is granted, excavation or grading shall
267 only occur in accordance with any applicable ordinance.

268 **§ 156.005 FINAL PLAT – REQUIREMENTS – APPROVAL – TIME LIMITATION**

269 **A. Plat Requirements.** The final plat shall be drawn to scale on standard twenty-four inch by
270 thirty-six inch (24"x36") paper and shall include the following information:

271 i. The name of the subdivision and which phase (if applicable) the plat covers.

272 ii. The boundaries of the proposed subdivision, including sufficient information to
273 locate the project, and the total acreage of the project.

274 iii. A legal description of the property.

275 iv. The names and addresses of the owner, subdivider, if other than owner, and the
276 engineer or surveyor of the subdivision.

277 v. Date of preparation.

278 vi. Scale.

279 vii. The base heading of true north.

- 280 B. The final plat shall contain the following information:
- 281 i. Accurate dimensions for each lot, street, alley, easement, areas to be dedicated as
282 open space and other important features. Dimensions shall be shown in feet and
283 hundredths. Lot sizes shall be expressed in acreage.
- 284 ii. The street address for each lot. Lots on the south and west sides of the street shall
285 have odd numbers. Lots on the north and east sides of the street shall have even
286 numbers.
- 287 iii. An indication, based on the required geotechnical report, of whether lots will
288 require land drains.
- 289 iv. If the base flood elevations render lots within the subdivision unsuitable for
290 basements, then the final plat shall have a restriction on each lot indicating no
291 basements are allowed.
- 292 v. A description and delineation of other angles, distances, points, monuments,
293 markers, boundaries, and other geometries as described in the West Haven City
294 Engineering Standards and Specifications.
- 295 vi. Standard signature forms, the wording of which is found in the West Haven City
296 Engineering Standards and Specifications, for the following:
- 297 a) Registered land surveyor's certificate of survey, as applicable under Utah
298 law;
- 299 b) Owner's signature of dedication;
- 300 c) Notary public acknowledgment;
- 301 d) City engineer's certificate of approval;
- 302 e) Utility companies' approval;
- 303 f) Land Use Authority approval;
- 304 g) City approval, signed by the Mayor and City Recorder if City Council is
305 required to approve the plat;
- 306 h) City Attorney approval; and
- 307 i) A block for use by the County Recorder containing the required recording
308 information.
- 309 C. Additionally, construction plans shall be submitted with the final plat. These plans shall
310 detail the size, design, type, and location of all infrastructure improvements proposed for
311 construction as part of the phase, including, but not limited to, streets, sidewalks, curbs,
312 utility pipes and other infrastructure. Construction plans shall be prepared in accordance
313 with the standards outlined herein and other such standards as may be found in the West
314 Haven City Engineering Standards and Specifications.

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D. FINAL SUBDIVISION REVIEW AND APPROVAL

- i. Upon approval of the preliminary plat by the appropriate land use authority, the subdivider shall proceed to prepare the final plat. The land use authority for various subdivisions is found in Section 156.003 of this Chapter.
 - ii. A complete final plat application shall be received by the City no less than two weeks prior to the meeting date at which the applicant wishes it to be considered, for the designated land use authority for the plat.
 - iii. Upon submission of a complete application for final plat approval, the land use authority shall proceed to review the application.
 - iv. An application shall be considered complete when the City has received electronic copies of the following:
 - 1. A final plat, containing the information outlined in this Chapter;
 - 2. A subdivision application containing the developer's contact information, the proposed name, zone, number of units, type of housing, and a brief narrative of the subdivision;
 - 3. All applicable filing fees, which shall be set by resolution or ordinance of the City Council and shall be found in the West Haven City consolidated fee schedule;
 - 4. A complete set of all subdivision improvement plans related to the project infrastructure, both public and private;
 - 5. "Will-Serve" letters as outlined in this Chapter; and
 - 6. A geotechnical report.
 - v. The land use authority shall review the application at its next regularly scheduled meeting which is not less than fourteen (14) days from the time the complete application is received.
 - a. In cases where the land use authority is a member of the Community Development staff, staff shall review the application within fourteen (14) business days from the date the complete application is received.
 - vi. After the land use authority has reviewed the final application, they shall provide the developer with any and all changes which need to be made prior to granting approval of the final plat.
 - vii. Any re-submissions shall be reviewed within fifteen (15) days of their receipt and shall be reviewed/noticed in the same manner as the original submission.
 - viii. Upon approval of the final plat application, the subdivider shall proceed to prepare a mylar for recording with the Weber County Recorder's Office
- E. Time Limitation.** Any final plat which has not been recorded within one (1) year of the date of approval shall be null and void and shall be required to file a new final plat

352 application. Should the West Haven City standards change to the point where the final
353 plat is no longer feasible, whether for reasons of design or reasons of health and safety,
354 the developer shall be required to prepare and submit a new final plat and begin the
355 subdivision process anew.

356 **§ 156.006 REVIEW OF FINAL PLAT AND SUBDIVISION IMPROVEMENT PLANS**
357 **– DISPUTE RESOLUTION**

- 358 A. No later than twenty (20) business days after receipt of a complete application for review
359 of the subdivision final plat and subdivision improvement plans for a residential
360 subdivision for single-family dwellings, two-family dwellings, or townhomes, West
361 Haven City shall complete a first review cycle of such application and plans.
- 362 B. In reviewing such application and plans, West Haven City shall provide notice to the
363 applicant which requires:
- 364 i. Additional information relating to an applicant's plans to ensure compliance with
365 City ordinances and approved standards and specifications for construction of
366 public improvement; and
 - 367 ii. Modifications to plans that do not meet current ordinances, applicable standards
368 or specifications, or do not contain complete information.
- 369 C. West Haven City's request for the above-information or modification to plans shall be
370 specific and shall include citations to ordinances, standards, or specifications that require
371 said modifications and shall be logged in an index of requested modifications/additions.
- 372 D. West Haven City shall not require more than four review cycles; however, a review cycle
373 shall not be considered complete and closed until the applicant has made all requested
374 modifications in the notice.
- 375 E. If the applicant does not submit a revised plan within twenty (20) business days after
376 West Haven City provides notification of the needed correction(s) or modification(s),
377 West Haven City shall have an additional twenty (20) business days to make its next
378 response.
- 379 F. Should applicant make a material change to the plans after the City has begun the review
380 cycle process, the City shall restart the review at the first review of the final application,
381 with respect to that portion of the plans affected by the material change(s).
- 382 G. Changes or corrections not addressed in the City's plan review, unless such changes or
383 corrections are necessitated by the applicant's adjustment to plans/phases which thereby
384 adjusts the needed public infrastructure, are hereby waived.
- 385 i. Regardless of the above, modifications or changes which are necessary to protect
386 public health and safety or to enforce state or federal law may not be waived.
- 387 H. After the applicant has responded to the final review cycle and complied with each
388 modification requested in the prior cycle, West Haven City shall not require any
389 additional changes unless the applicant materially changes the plan, unless such changes
390 are in response to requested modifications or corrections.

391 I. Applicant shall be required to provide written, specific, and comprehensive responses to
392 West Haven City's review comments, identifying and citing standards, ordinances, or
393 sources for those comments with which applicant declines to comply.

394 J. Disputes arising from the review and implementation of the fourth or final review cycle
395 shall be handled as follows:

396 i. For disputes arising from review and implementation of the subdivision
397 ordinance, the applicant shall be advised, in writing, of the deficiencies and shall
398 have the right to appeal the determination to the West Haven City Administrative
399 Hearing Officer.

400 ii. For disputes arising from the review of subdivision improvement plans, West
401 Haven City shall assemble an appeal panel as outlined below, which panel shall
402 review and approve or deny final set of revised plans:

403 a. The panel shall consist of:

- 404 1. One licensed engineer, designated by West Haven City;
405 2. One licensed engineer, designated by the applicant; and
406 3. One licensed engineer, mutually agreed upon and designated by
407 the engineers previously designated above.

408 b. A member of the panel may not have an interest in the application
409 under appeal.

410 c. The applicant and City shall equally share the costs of the panel.

411 d. The applicant shall be responsible for the City's established appeal fee.

412 e. The decision of the appeal panel is final, subject to a petition to District
413 Court for review of the decision, which must be filed not later than 30
414 days from the time the panel issues its decision.

415 K. The review of non-residential subdivisions and those residential subdivisions which
416 involve the construction of condominium or multi-family units, including subdivisions
417 which will involve a combination of housing types, one of which is condominium or
418 multi-family units, shall proceed in a similar manner as above, with the review time limit
419 increasing to thirty days (30) per review cycle.

420 § 156.007 SUBDIVISION STANDARDS

421 A. Stamped By Licensed Engineer. Any other provision of this chapter or any other city
422 ordinance notwithstanding, each preliminary or final subdivision, or other development
423 plan submitted for review to the city shall, be required to be stamped by an engineer or
424 surveyor, duly licensed by the State of Utah, and as appropriate to the plan submitted.

425 B. Developer to Bear Engineering Costs. Any other provision of this chapter, or any other
426 city ordinance notwithstanding, developers submitting preliminary or final subdivision,
427 or other development, plans for review by the City Engineer shall be required to pay the

428 cost of those plan reviews. The City shall provide the developer with a documented
429 billing record of such reviews and developer will pay the billing directly to the city.

430 C. Related To Adjoining Street Systems. Streets shall be located within the subdivision so
431 that they connect with existing streets. Streets shall be located so that the adjoining land
432 is not diminished in value. If the adjoining land is zoned for residential purposes, streets
433 shall be located so that the adjoining land can be efficiently subdivided and shall
434 terminate at the adjoining property line.

435 D. Phasing. Phasing of subdivisions shall be done in a manner which maximizes
436 connectivity with pre-existing streets and subdivisions surrounding the proposed
437 development and in a manner which reduces the impact on pre-existing streets in
438 subdivisions to the extent possible.

439 E. Street And Alley Widths, Cul-De-Sacs, Easements.

440 i. Streets in subdivisions shall be dedicated to the City as public streets, unless
441 otherwise approved by the Planning Commission, upon recommendation of the
442 City Engineer.

443 ii. Major and collector streets shall conform to the width designated on the
444 Transportation Master Plan.

445 iii. The width, grade, and design of all streets shall conform to the West Haven City
446 Engineering Standards and Specifications, specifically the section "Road
447 Standards."

448 iv. Half-streets proposed along a subdivision boundary or within any part of a
449 subdivision shall not be approved unless reviewed and approved by the City
450 Engineer.

451 F. Blocks

452 i. The maximum length of blocks generally shall be 1,300 feet and the minimum
453 length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the
454 discretion of the Planning Commission, be provided with a dedicated walkway
455 through the block at approximately the center of the block. Such walkway shall be
456 not less than six feet in width.

457 ii. The width of blocks shall be sufficient to allow two tiers of lots, or as otherwise
458 approved by the Planning Commission because of design, terrain, or other
459 unusual conditions.

460 iii. Blocks intended for business or industrial use shall be designed specifically for
461 such purposes with adequate space set aside for off-street parking and delivery
462 facilities.

463 G. Lots

- 464 i. The lot arrangement and design shall be such that lots will provide satisfactory
465 and desirable sites for buildings and be properly related to topography and to
466 existing requirements.
- 467 ii. All lots shown on the subdivision plat must conform to the minimum area and
468 width requirements of the zoning ordinance for the zone in which the subdivision
469 is located.
- 470 iii. Each lot shall abut on a public street, private street, or private access right-of-way
471 dedicated by the subdivision plat or an existing publicly dedicated street, all of
472 which must conform to the West Haven City Road Standards.
- 473 iv. Corner lots shall have extra width sufficient for the maintenance of required
474 building lines on both sides.
- 475 v. Side lines of lots shall be approximately at a right angle, or radial, to the street
476 line.
- 477 vi. Remainder parcels are not permitted.

478 H. Post Office Coordination. Regulations promulgated by the United States Postal Service
479 relating to mailboxes and similar receptacles, including, but not limited to, the installation
480 and approved types of said receptacles, are hereby incorporated by this reference as if
481 fully set out herein, and a violation of said regulations shall constitute a violation of this
482 subchapter.

483 I. Identification Of Floodplain.

- 484 i. In all major subdivisions, base flood and ground elevation data shall be provided
485 for each lot by the developer and their engineer.
- 486 ii. In accordance with guidelines set by the National Flood Insurance Program, the
487 elevations of the lowest inhabitable floor for any building or structure shall be
488 equal to or higher than the base flood elevation as determined by the flood hazard
489 boundary map and the City Engineer.

490 **§156.008 SUBDIVISION IMPROVEMENTS REQUIRED** The owner of any land to be
491 platted as a subdivision shall, at his or her own expense, install the following improvements prior
492 to recording the final plat, or except as provided in § 156.091(A)(2)(b), according to the
493 specifications and standards contained in the West Haven City Engineering Design Standards
494 and Specifications.

- 495 A. Culinary Water. As part of the preparation and submission of engineering civil
496 documents for a subdivision, subdivider shall be required to provide written notification
497 (“will-serve letter”) from the water district in which the property lies. Such will-serve
498 letter shall be dated no more than 30 days prior to the date of the submission and shall
499 state clearly that the water district has reviewed the proposed subdivision and has the
500 capability of providing adequate culinary water supplies to the subdivision.
- 501 B. Sanitary Sewer. As part of the preparation and submission of engineering civil
502 documents for a subdivision, subdivider shall be required to provide written notification

503 (“will-serve letter”) from the West Haven Special Service District and the Central Weber
504 Sewer District. Such will-serve letter shall be dated no more than 30 days prior to the
505 date of the submission and shall state clearly that the sewer district has reviewed the
506 proposed subdivision and has the capability of providing adequate sanitary sewer service
507 to the subdivision.

508 C. Stormwater.

509 i. All subdivisions in West Haven City are required to dispose of stormwater, the
510 design and function of which must be approved by the City Engineer. The City
511 Engineer may require such design to include any easement necessary for the
512 stormwater structure to serve its intended purpose.

513 ii. Drainage structures, such as stormwater detention facilities shall be dedicated or
514 otherwise transferred to the city or its designate. If the developer chooses to
515 maintain the drainage structure privately, the developer shall present the City with
516 evidence that the necessary mechanisms are in place for the ongoing ownership
517 and maintenance of the structures, in which case the City shall be granted an
518 easement over the detention facilities to guarantee such facilities will remain and
519 be used as intended for stormwater detention purposes.

520 D. Curb, Gutter, Sidewalk. As part of the design of streets in a subdivision, developer shall
521 provide curb, gutter and sidewalk unless the subdivision is located in the A-1 or A-2
522 zone, in which case curb, gutter and sidewalk shall not be required, but developer shall be
523 required in those zones to provide adequate facilities for the removal of surface water, the
524 design of which shall be approved by the City Engineer.

525 E. Monuments. Permanent monuments shall be accurately set and established at such points
526 as are necessary to definitely establish all lines of the plat except those outlining
527 individual lots. Monuments shall be of a type specified in the City Engineering Design
528 Standards & Specifications.

529 F. Street Trees. Street trees shall be planted by the subdivider when so required by the
530 Planning Commission and of a variety and location as approved by the Planning
531 Commission.

532 G. Street Signs. Street signs shall be installed by the subdivider at all locations as designated
533 by the City Engineer. The City will provide the subdivider with the necessary signs.

534 H. Developers proposing to develop or subdivide adjacent to a canal shall, as part of the
535 preparation and submission of engineering civil documents for a subdivision, provide
536 written documentation that the canal company responsible for that canal is satisfied that
537 the development will not encroach on the canal company’s maintenance right-of-way or
538 otherwise impede canal operations.

539 I. Staking Of Lots. Survey stakes shall be placed at all lot corners to clearly identify the lot
540 boundaries on the ground.

541 J. Peripheral Fencing. Subdivisions adjacent to agricultural operations shall provide fencing
542 on the perimeter of the subdivision so as to provide protection to adjacent farming lands
543 from the adverse effects of residential living, and vice versa.

544 K. Secondary Water. Not all subdivisions in West Haven City will have access to secondary
545 water. Subdividers who choose to provide secondary water shall, as part of the
546 preparation and submission of engineering civil documents for a subdivision, provide the
547 City with written documentation (“will-serve letter”) of the secondary water provider’s
548 review and acceptance of any proposed secondary water facilities, structures, or plans.

549 L. Fire Hydrants. All portions of a subdivision, including lots, streets, open space and other
550 infrastructure or amenities, whether public or private, are required to be located within
551 500’ of a fire hydrant. The review and approval of hydrant placement shall be done by
552 the Weber Fire District. Subdividers shall be required to provide the City with written
553 documentation of the Weber Fire District approval.

554 M. Private Land Drains. Areas in West Haven City have fluctuating groundwater levels that
555 may render individual lots unsuitable for basements without the inclusion of a private
556 land drain. The required geotechnical report shall indicate which lots in the subdivision
557 will need land drains prior to construction of a basement.

558 i. Land drains shall be inspected as part of the building inspection process.

559 ii. The design of private subsurface land drains shall be approved as part of the
560 review and approval of the subdivision engineering civil design documents.

561 iii. No building permit will be issued for any lot until the subdivider provides the City
562 with a clear indication of whether or not a land drain is needed for that lot.

563 **§ 156.009 GUARANTEE OF IMPROVEMENTS.** In lieu of actual installation of the
564 improvements required by this chapter, the subdivider may guarantee the installation thereof by
565 one of the methods specified as follows:

566 A. The subdivider may furnish and file with the City Manager a letter of credit from a
567 financial institution, such a financial institution being approved by the City Manager, in
568 an amount equal to the future cost of the installation of the improvements at the
569 termination of the bonding period, as estimated by the City Engineer, to assure the
570 installation of such improvements within a two-year, or shorter or longer, period if
571 otherwise established by the City Council from the approval date of the subdivision plat
572 by the City Council, which bond shall be approved by the City Council; and

573 B. The subdivider may deposit in escrow, with an escrow holder approved by the City
574 Manager, an amount of money equal to the future cost of the improvements at the
575 termination of the escrow period estimated by the City Engineer, as foresaid, under an
576 escrow agreement to assure the installation of said improvements within a two-year, or
577 shorter or longer, period if otherwise established by the City Council, from the approval
578 date of the subdivision plat by the City Council, and shall be filed with the City Clerk.

579 C. The documents aforesaid shall contain such terms and conditions required by the City
580 Manager and shall be approved as to form by the City Attorney. The Community

581 Development Director is authorized to prescribe by administrative rules or regulations,
582 forms, and procedures to ensure the orderly, regular, and efficient processing of
583 applications for the approval of a proposed subdivision and the guarantee of
584 improvements in strict compliance with the requirements of this chapter.

585 D. Whenever the subdivider develops a subdivision a portion at a time, such development
586 shall be in an orderly manner and in such a way that the required improvements will be
587 made available for the full, effective, and practical use and enjoyment thereof by the
588 lessees or grantees of any of the lands subdivided within the time hereinbefore specified.

589 E. The City Council is authorized and directed from time to time, at the request of the
590 subdivider or his or her successors in interest, to execute a release of record from the
591 burden of the aforesaid bond, or escrow agreement, when all obligations as to which have
592 been fully performed by the installation of the improvements.

593 **§ 156.010 BOND FOR CURB, GUTTER DAMAGE.**

594 A. Each builder of a home shall be required to post a bond in the amount of \$500 to ensure
595 that any damage done to the city's curbs and gutters during the building construction on
596 adjacent lots will be able to be repaired at no cost to citizens.

597 B. Upon inspection by, and approval of, the City Engineer, either:

598 1. The funds posted under the bond required above shall be utilized to repair damage
599 done to curbs and gutters during construction, if any, with:

600 2. Any monies not used for those repairs to be returned to the individual who posted
601 the bond; or

602 3. If the money posted under the bond is insufficient to cover the cost of repairs as
603 determined to be required by the City Engineer, the builder will be contacted and
604 shall provide such additional sums as shall reasonably be necessary to complete the
605 repairs.

606 C. If there is no damage identified by the City Engineer, the bond shall be released to the
607 party who provided the bond.

608 **§ 156.011 INSPECTION OF IMPROVEMENTS.** The City Engineer, Building Official,
609 and Public Works Director, or their designee, shall inspect, or cause to be inspected, all
610 buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the
611 course of construction, installation, repair, and the like. Excavation for fire hydrants, water, and
612 sewer mains, and laterals shall not be covered over or back filled until such installations shall
613 have been approved by the City Engineer. If any such installation is covered before being
614 inspected and approved, it shall be uncovered after notice to uncover has been issued to the
615 responsible person by the City Engineer.

616 **§ 156.012 CONDITIONS, COVENANTS, & RESTRICTIONS**

617 A. Developers who elect to have commonly owned and maintained areas in their
618 subdivision shall prepare restrictive covenants (CC&Rs) outlining provisions for the

619 perpetual maintenance and management of such areas. Such CC&Rs shall be recorded
620 with the Weber County Recorder's Office.

621 B. As CC&Rs are private contracts between the developer and homeowner(s), West Haven
622 City takes no responsibility for the enforcement of CC&Rs, nor assumes any liability for
623 the failure of a developer to perform any representations contained therein.

624 **§ 156.013 PENALTY.** Any person who shall violate any of the provisions of this chapter
625 shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or imprisonment in
626 the County Jail for a period not exceeding six months, or by both fine and imprisonment.

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