

### **§ 32.09 Development Review Committee**

(A) In order to provide an orderly and thorough review and approval process, the Development Review Committee (DRC) is hereby established

(B) Purpose. The Committee's purpose is as follows:

- (1) To act as an advisory committee to the City Council, Planning Commission, and other land use authorities on land use applications, general plan updates, master plan updates, development standards, and land use code proposals.
- (2) To advise and assist property owners and applicants through the application process.
- (3) The DRC is not an approval or a public body, but a review and recommendation committee.

(C) Membership.

- (1) The following individuals shall be appointed as members of the DRC.
  - (a) The Community Development Director
  - (b) The City Engineer
  - (c) The City Public Works Director
  - (d) The City Planner
  - (e) The Weber County Fire Marshal or their designee
- (2) The following individuals may serve as advisory members. Advisory members shall serve as advisors to the DRC when called upon.
  - (a) The City Attorney
  - (b) The City Manager
  - (c) Parks and Recreation Director
  - (d) Storm Water Manager
  - (e) Other contract engineer or planner employed by the City
  - (f) The City Building Official
- (3) In the absence of a member of the DRC, the City Manager may temporarily appoint one of the advisory members to serve in the role.
- (4) The DRC may request additional input on any land use applications from public utility providers within West Haven City boundaries as needed, as a proposed development may impact their services.

(D) Scope of Responsibility.

- (1) The DRC shall provide a review and advice to the land use authority on the following applications or proposals.
  - (a) Preliminary Site Plans
  - (b) Preliminary Subdivision Plats
  - (c) Subdivision Improvement Plans as defined within the Subdivision Code
  - (d) Improvement Plans for Final Site Plan
  - (e) Final Site Plan
  - (f) Final Subdivision Plats
  - (g) Amended Subdivision Plat
  - (h) Conditional Use Permits
  - (i) Zone Change Applications, including overlay zones
  - (j) Annexation Petition

- (k) Proposed Road, Right-of-way, or Easement Vacations
- (l) Updates to the Land Use Ordinances
- (m) Updates to the General Plan or other master plans
- (n) Updates to public works or other development standards
- (2) Pre-Application Meetings. The DRC shall hold and conduct pre-application meetings at the request of an applicant(s). The DRC shall establish standards for pre-application documents. The DRC shall ensure that it meets statutory timelines as dictated by state or West Haven code. At each pre-application meeting, the DRC shall provide feedback on the concept plan.
- (E) Meetings. The DRC shall create its meeting schedule and will hold meetings as needed.

## Chapter 150: General Provisions

### § 150.02 LAND USE AUTHORITY

(A) The following bodies shall serve as the land use authority for the following applications.

Land Use Authority	Land Use Application
City Council	Ordinance or ordinance amendment
	Zone Changes
	Modification of City rights-of-way and easements
	General Plan or General Plan amendments, including master plans
	Annexation
Planning Commission	Preliminary Subdivision Plats
	Final Subdivision Plats
	Subdivision Plat Amendments
	Preliminary Site Plans
	Conditional Use Permits
	Final Site Plans
City Engineer and Community Development Director*	Subdivision Improvement Plans
	Site Plan Improvement Plans
	Boundary Adjustments
Community Development Director*	Sign Permit
Building Official*	Building Permits
Hearing Officer	Land Use Appeals
	Variances

\*In the absence, the City Manager may temporarily appoint an alternate to serve in their role.

\*\*This is a summary of each body's land-use authority. For full details of each body's approval authority, refer to the respective code and application process as defined in this title.

\*\*\*Other land applications are not listed in this table. The Land Use Authority is defined within those governing sections.

## DESIGN REVIEW

### § 157.730 PURPOSE.

The purpose and intent of this subchapter is to ensure that the general design, layout and appearance of buildings and structures are compatible with their surroundings and aid the orderly and harmonious development of the city.

(Prior Code, § 54.02) (Ord. 2-92, passed - 1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

### § 157.731 APPLICATION; REVIEW AND APPROVAL.

(A) All proposals in commercial or manufacturing zones shall be subject to the provisions of this subchapter.

(B) Regardless of the zone underlying the land use, the following uses, including any accessory uses thereto, shall be subject to the provisions of this subchapter:

- (1) Multi-family dwellings; and
- (2) Public and quasi-public uses.

(C) The following shall be submitted as part of all applications for projects subject to the provisions of this subchapter, further details of which are found in this subchapter:

(1) A preliminary site plan containing the following:

(a) ~~A statement containing the proposed use and if it complies with current zoning.~~

(b) ~~Site Layout. Site Layout shall show:~~

1. ~~Building location~~
2. ~~Setbacks, including front, rear, and both sides for every proposed building~~
3. ~~Access points and traffic circulation, including fire access~~
4. ~~Landscape areas~~
5. ~~Proposed fencing and gates~~
6. ~~Outdoor storage~~
7. ~~Dumpster areas and dumpster enclosures. All dumpsters that are visible from the adjacent public right(s)-of-ways, parking lots, or access drives shall be fully enclosed with opaque fencing or walls.~~
8. ~~Natural features, including hillsides, wetlands, floodplains, or other prominent natural features;~~

~~(c) Building locations and elevations..~~ Elevations shall show:

1. Building materials and colors;

2. ~~Architectural features, if applicable per §157.734, and~~

32. Elevation drawings shall also contain a table showing ratio and percentages of each material/color ~~and percentages of architectural features, if applicable, that meet the standards set out within this chapter:-~~

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(db) Landscaping plans shall contain a table showing types, numbers and percentages of each landscape material, ~~the number of trees and shrubs, per §157.988 (A), and as well as~~ the percentage of total site landscaping;

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(ec) ~~Parking. The applicant shall include a parking plan, with a table showing the number of parking spaces required, the number provided, and the number of ADA parking stalls; and~~

(fe) ~~Signage. Plans shall show the location, size and material of any and all proposed signs. This signage plan does not exempt the applicant from needing to obtain a building permit for each sign upon construction-~~

(e) ~~Utility Plan. The applicant shall show a preliminary utility plan, including will service or availability letters from public utility providers, including culinary and secondary water and sanitary sewer districts~~

(f) ~~Preliminary stormwater plans, including stormwater storage location, type of storage, proposed overflows, and other details to allow the City to understand how stormwater will be handled within the property; and~~

(g) ~~Outdoor lighting plan in compliance with West Haven City Code § 157.775-157.785.~~

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(h) ~~UDOT Conditional Access Permit approval or minutes from a UDOT pre-application meeting, if applicable.~~

~~(2) The Development Review Committee (DRC) shall review all preliminary site plan applications and make a recommendation to the Planning Commission regarding compliance, findings, and conditions. The Planning Commission may approve, approve with conditions, or deny a preliminary site plan based on the applicant's ability or inability to meet or sufficiently address the requirements within this title and all applicable development standards adopted by the City.~~

~~(32) Once the applicant has received approval of their preliminary site plan from the Planning Commission, they shall proceed to prepare civil drawings and improvement plans and shall present those to the City Engineer and Community Development Director. The DRC shall review the improvement plans, provide comments to the applicant, and shall make a recommendation to the City Engineer and Community Development Director. The City Engineer and Community Development Director shall approve, approve with conditions, or deny improvement plans.~~

~~(4) No final site plan application can be approved without the City Engineer's and Community Development Director's approval of improvement drawings. Each applicant shall submit as part of a final site plan application improvement drawings, stamped by a licensed civil engineer. These drawings shall demonstrate the site's compliance with the West Haven Code, compliance with public utility providers' standards, preliminary site plan approval conditions, and vehicle access and parking.~~

~~(D)- After preliminary site plan approval or approval with conditions by the Planning Commission, the applicant shall submit a final site plan application and supporting construction drawings to the~~

City in a format specified by the City within twelve (12) months. Before the submittal of a final site plan and improvement plan, the applicant shall ~~The final site plan shall~~ address each condition from the preliminary site plan approval. ~~All applications for final site plan approval shall be reviewed by the Development Review Committee, and approved by the Planning Commission shall be the land use authority for the site plan and shall either approve, approve with conditions, or deny a final site plan based on findings and compliance with all applicable code and standards, Planning Commission,~~ with the following exceptions:

(1) All buildings or combination of buildings which total over 40,000 square feet on a single parcel. After first being presented to and receiving a recommendation from the Planning Commission, the City Council shall review and may approve, deny or approve with conditions site plans for these buildings.

(2) Any requests for building materials not otherwise considered as a primary or secondary material. After first being presented to and receiving a recommendation from the ~~Development Review Committee~~ Planning Commission, the ~~Planning Commission~~ City Council shall review and may approve, deny or approve with conditions any requests for alternate building materials.

(E) The Planning Commission shall determine whether the proposed architectural and site development plans submitted are consistent with this subchapter and with the general objectives of this subchapter and shall give or withhold approval accordingly. Denial may be appealed to the ~~Hearing Officer~~ City Council.

(F) No building, occupancy, or other land use permit shall be issued until the proposed project has received approval under the terms of this subchapter.

(Prior Code, § 54.04) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### § 157.732 EXCEPTIONS.

(A) ~~Projects subject to conditional use and/or planned unit development approval shall have site plan and design review incorporated into such review. Such projects shall be required to meet the requirements of this subchapter.~~

##### (B) Existing or Modified Sites.

1. ~~The City shall require an updated Preliminary Site Plan and Final Site Plan for existing commercial, industrial, institutional/civic, or multifamily sites if the property owner proposes to do any of the following.~~

a. ~~Add additional building(s)~~

b. ~~Change the use to a use type that the site's infrastructure, parking, or access points do not reasonably support~~

c. ~~Change from a permitted use to a conditional use in the underlying zone~~

d. ~~Change from one conditional use to another conditional use in the underlying zone~~

e. ~~Switch to a use that has a reasonably higher impact.~~

2. ~~The Planning Commission may waive certain site development standards that do not impact the health or safety of the public for an existing or modified site, allowing an~~

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applicant to update a site without necessitating significant or unreasonable changes to the existing layout.

3. The Planning Commission may approve a preliminary and final site plan approval at the same meeting if the site does not require updated improvement plans.

(C) The City Engineer may waive improvement plan requirements in full or in part for sites that have already been developed, and the existing facilities and infrastructure can support the proposed site plan and use.

(D) The Planning Commission may waive landscaping requirements if the applicant provides a letter from the water provider stating that the provider can't supply water for landscaping or for an existing site with pre-established landscaping.

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(Prior Code, § 54.06) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.733 STANDARDS OF REVIEW.**

The Planning Commission and Development Review Committee shall consider the following matters, and others when applicable, in its review of applications and where the plan is found deficient the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

(A) *Traffic safety and circulation.*

(1) Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to traffic ingress, egress and internal circulation?

(2) A traffic study shall ~~may~~ be required, if in the opinion of the Planning Commission, with input from the Development Review Committee ~~City Engineer~~, such would be necessary.

(B) *Parking.* Does the site plan comply with city ordinances regarding design, location and number of parking stalls required?

(C) *Signage.* Does the proposed signage meet the requirements of the city sign ordinance?

(D) *Landscaping.*

(1) The following landscaping shall be provided in each project subject to the provisions of this subchapter:

(a) *Front yard.* Landscaping shall be required along the entire frontage of the lot, except for the frontage required for ingress/egress. Said landscaping shall be a minimum of 15 feet deep, calculated from the property line.

(b) *Side/rear yards.* There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.

(c) *Parking area landscaping.* Landscaping within all parking and driveway areas shall comprise a minimum 5% of the total square footage of those areas and shall be placed within those parking areas to break up the mass of asphalt.

(2) Where possible, developers are encouraged to preserve existing, healthy trees.

(3) Developers are encouraged to take current drought and other environmental conditions into account when preparing a landscaping plan.

(4) Landscape plans shall include a minimum of three items from the following list:

- (a) Trees;
- (b) Decorative rock and boulders (gravel and pea gravel are not permitted);
- (c) Shrubs;
- (d) Groundcover; and
- (e) Grass (artificial or other).

(E) *Building/site layout.*

(1) All buildings shall be designed with breaks in the facade. This may be accomplished through a change in building materials, actual breaks in the facade, a mix of roofline projections.

(2) All mechanical equipment shall be screened so as to not be seen from any public right-of-way adjacent to the project.

(3) Developers are encouraged to keep in mind visual compatibility with existing development when preparing the site layout and architectural elevations of proposed buildings.

(4) Buildings which are located within 100 feet of the centerline of the following roads shall be designed so it appears the front of the building faces the street, regardless of how the building is actually oriented:

- (a) 2550 South;
- (b) Midland Drive;
- (c) 4000 South;
- (d) 3500 West;
- (e) 1900 West;
- (f) 2100 South/Wilson Lane;
- (g) 1800 South; and
- (h) Hinckley Drive.



(F) *Engineering standards.* Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to utility easements, drainage and other engineering requirements?

(G) *Governing documents.* Is the site subject to a master development agreement or any conditions or agreements related to the property?

(Ord. 2-92, passed -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.734 DESIGN REQUIREMENTS.**

Design approval may include such other conditions consistent with the considerations of this subchapter as the Commission or Planning Director deem reasonable and necessary under the circumstances to carry out the intent of this subchapter.

(A) *Building materials.* New buildings shall be designed and constructed to meet the following criteria.

(1) Building exteriors shall be designed and constructed with primary and secondary building materials from the list of building materials in division (C) below.

(2) The front elevation, as well as any other elevation which faces the street shall be constructed of a minimum of 60% primary materials, with a maximum of 40% secondary materials.

(3) Windows and doors shall be excluded from the calculation of exterior building material requirements. Non-functioning, decorative only windows may be included in the calculation of building materials.

(4) A maximum of six colors for the primary materials may be permitted.

(5) Secondary materials shall be of a complementary hue and shade to primary building materials. A maximum of four accent colors may be allowed for secondary materials.

(6) A minimum of 15% of the front elevation, as well as any side or rear elevation which faces the street or major corridor, shall consist of upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors.

(7) Non-primary elevations which do not face the street or major corridor shall consist of at least 5% upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors

(B) *Major corridor requirements.* Projects which are adjacent to, or located within 400 feet of the centerline of 2100 South/Wilson Lane, 1800 South, 1900 West, Midland Drive, 3500 West, 4000 South, Hinckley Drive and 2550 South shall be subject to the following additional requirements. Any building face which can be seen from the above-referenced roads shall be constructed of a minimum of 60% primary materials.

(C) *Materials list and architectural features.*

(1) *Primary materials.* Shall include, but are not limited to:

- (a) Architectural insulated metal panels;
  - (b) Brick;
  - (c) Concrete masonry unit (CMU), if it is textured to have the appearance of a different material;
  - (d) Glass;
  - (e) Rock;
  - (f) Stone (may be natural or manufactured);
  - (g) Fiber cement siding, if used in a craftsman style of architecture; and
  - (h) Engineered wood siding, if used in a craftsman style of architecture.
- (2) *Secondary materials*. May include, but shall not be limited to:
- (a) Concrete;
  - (b) Non-insulated corrugated and ribbed metal;
  - (c) Fiber cement siding, if used in a non-craftsman architectural style;
  - (d) Engineered wood siding, if used in a non-craftsman architectural style;
  - (e) Stucco;
  - (f) Tile; and
  - (g) Wood.
- (3) *Upgraded architectural features*. May include, but shall not be limited to:
- (a) Alternating brick patterns;
  - (b) Archways;
  - (c) Awnings;
  - (d) Bays;
  - (e) Canopies;
  - (f) Corbels;
  - (g) Cornices;
  - (h) Decorative art (must be permanent);
  - (i) Donners;
  - (j) Pillars;
  - (k) Porte Cocheres;

- (l) Porches;
- (m) Porticos;
- (n) Shutters; and
- (o) Timbers.

(4) *Minimum.* Developers shall have a minimum of three different building materials, not including those which are considered upgraded architectural features.

(5) *Alternative materials.* Upon recommendation of the ~~Development Review Committee~~Planning Commission, the ~~Planning Commission City Council~~ may approve alternative materials if the ~~Commission Council~~ makes specific findings that the requested material is comparable to or superior to a listed, approved material for the specific development or remodeling project proposed.

(D) *Warranty.* All exterior materials shall be installed in a professional workmanlike manner and be guaranteed to be maintenance-free for at least ten years. Finishes upon exterior materials shall be guaranteed maintenance-free for a minimum of five years. Materials or finishes without such guarantees shall not be permitted. Guarantees shall be in writing from the manufacturer and a fully executed copy shall be provided to the city.

(Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.735 AGREEMENT FOR IMPROVEMENTS.**

Prior to the issuance of any building permit, the developer shall enter into an escrow agreement with the city wherein security shall be provided for any on and off-site public improvements. Occupancy shall not occur until all improvements have either been installed or guaranteed for future installation.

(Prior Code, § 54.14) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.736 TIME LIMITATIONS ON APPROVAL.**

If construction of any development for which design approval has been granted has not commenced within 12 months from date of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Planning Commission, provided such application is made prior to the expiration/revocation of the initial approval.

(Prior Code, § 54.16) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

#### **§ 157.737 MODIFICATION.**

Upon request of the applicant, modifications to the approved plan may be made by the Planning Commission, it is found that the modification will meet requirements of this subchapter. The Planning Commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

(Prior Code, § 54.22) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022)

## CHAPTER 156: SUBDIVISION REGULATIONS

### Section

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- [156.002](#) Scope of chapter
- [156.003](#) Definitions
- [156.004](#) Conditions, covenants, restrictions
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### **GENERAL PROVISIONS**

#### **§ 156.001 PURPOSE AND INTENT.**

(A) The underlying purpose and intent of this chapter is to promote the health, safety, convenience, and general welfare of the inhabitants of the incorporated city in the matter of the subdivision of land and related matters affected by such subdivision.

(B) Any proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area concerned, and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.

~~—(C) Any proposed subdivision with 31 or more lots will require a minimum of two roads.~~

(~~CD~~) In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this chapter may be made by the City Council, after recommendation by the Planning Commission.

(~~DE~~) If an exception is being considered, a public hearing must be held prior to approval.

(Prior Code, § 15.01.010) (Ord. 3-92, passed 1-15-1992; Ord. 3-93-A, passed 4-14-1993)

#### § 156.002 SCOPE OF CHAPTER.

(A) No person shall subdivide any tract of land which is located wholly in the city, except in compliance with this chapter.

(B) No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to, and in accordance with, the provisions of this chapter.

(C) This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in the city on March 1992.

(D) No lot(s) within a subdivision approved by the City and recorded in the County Recorder's office, in accordance with the provisions of this chapter, shall be further divided, rearranged, added to, or reduced in area, nor shall the boundaries of any lot be altered in any manner ~~without first applying and receiving approval for a Subdivision Plat Amendment as defined within this Title, so as to create more lots than initially recorded or any nonconforming lot, without first petitioning the City to amend the subdivision plat and obtaining the approval of the Planning Commission. All subdivision amendments shall comply with the provisions of this chapter, the underlying zoning standards, and standards set within State Code §10-9a-608 and §10-9a-609 as amended.~~

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(Prior Code, § 15.01.020) (Ord. 3-92, passed 1-15-1992) Penalty, see § [156.999](#)

#### § 156.003 DEFINITIONS.

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

**ALLEY.** A public thoroughfare less than 26 feet wide.

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

**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.

**BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL PURPOSES.**

(1) The division of agricultural land into lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the city zoning ordinance.

(2) Provided that:

(a) No dedication of any streets shall be required to serve any such lots or parcels of agricultural land so created;

(b) The agricultural lots or parcels so created shall not thereafter be further divided into parcels of less than five acres without being subdivided in accordance with the subdivision regulations of the city; and

(c) No dwellings shall be permitted unless all subdivision and zoning requirements of the city, and health requirements of the county, are met.

**CITY.** The City of West Haven, Utah.

**CITY COUNCIL.** The City Council of West Haven, Utah.

**COUNTY HEALTH OFFICER.** The Administrative and Executive Officer of the County Health Department and Local Registrar of Vital Statistics, or his or her duly-authorized representatives.

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

**EASEMENT.** The 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.

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

**MARGINAL ACCESS (STREET).** A minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

**PRIVATE STREET.** A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the city and maintained by the subdivider or other private agency.

**REVIEW CYCLE**

- (1) the applicant's submittal of a complete subdivision application;
- (2) the municipality's review of that subdivision application;
- (3) the municipality's response to that subdivision application, in accordance with this title; and

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(4) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

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#### **SUBDIVISION.**

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(1) The division of any tract, lot, or parcel of land owned, at the time of the adoption of this chapter as an undivided tract by one individual, or by joint tenants or tenants in common, or by tenants by the entirety, into three or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

(2) Provided that said term **SUBDIVISION** shall not include a bona fide division or partition of agricultural land for agricultural development purposes, nor a division of land into three or more parcels, each of which is 80 acres or more in area.

(3) The word **SUBDIVISION**, and any derivative thereof, shall have reference to the term **SUBDIVISION** as herein defined.

(4) For the purpose of these regulations, a **SUBDIVISION OF LAND** shall include:

(a) The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a subdivision; and

(b) Re-subdivision of land heretofore divided or platted into lots, sites, or parcels.

#### **SUBDIVISION CLUSTER.**

(1) A subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which comply with the cluster subdivision provisions of the zoning ordinance.

(2) A significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low-density character for the residential lots in the subdivision.

#### **SUBDIVISION IMPROVEMENT PLANS**

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(1) Civil Engineering plans associated with required infrastructure improvements and utilities required for a subdivision.

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#### **SUBDIVISION APPLICATION REVIEW**

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(1) A review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.

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

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(Prior Code, § 15.01.030) (Ord. 3-92, passed 1-15-1992)

**§ 156.004 CONDITIONS, COVENANTS, RESTRICTIONS AND LONG-TERM MAINTENANCE OF PRIVATELY HELD INFRASTRUCTURE.**

(A) If a development requires long-term maintenance of privately held infrastructure. Each the developer/owner of any subdivision development within the city shall, as a condition of that development, cause to be drafted, issued, and placed on file with the city, prior to the issuance of any building permit, excavation, or other construction permit for said subdivision, CCRs that adequately address the ongoing management and enforcement of the development conditions imposed by the developer on that development as a condition of approval by the city.

(B) At a minimum, such CCRs shall make provision for some form of perpetual maintenance and management process either through an effective home owners' association, a dedicated trust fund of sufficient initial size that it may reasonably be expected, as determined by sound actuarial principles, to provide ongoing funding for maintenance of common area facilities, and management and enforcement of the conditions of development as set out in the CCRs, or establish and set out such other arrangements as the city may reasonably find acceptable.

(Ord. 20-2004, passed 9-1-2004)

**§ 156.005 STAMPED BY LICENSED ENGINEER.**

(A) *Approval of preliminary and final plans.* Any other provision of this chapter or any other city ordinance notwithstanding, each preliminary or final subdivision, or other development, plan submitted for review to the city shall, from the effective date of this chapter, be required to be stamped or otherwise bear a legible indicia of approval of a licensed engineer or surveyor as appropriate to the plan submitted.

(B) *Costs of City Engineer reviews.* Any other provision of this chapter, or any other city ordinance notwithstanding, from the effective date of this chapter, developers submitting preliminary or final subdivision, or other development, plans for review by the City Engineer shall be required to pay the cost of those plan reviews. The City Engineer will provide the city with a documented billing record of such reviews, and the city will provide that billing information to the responsible developer. The developer will pay the billing directly to the city.

(Ord. 26-98, passed 11-18-1998)

**§ 156.006 BOND FOR CURB, GUTTER DAMAGE.**

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

(B) Upon inspection by, and approval of, the City Engineer, either:

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

(a) Any monies not used for those repairs to be returned to the individual who posted the bond; or

**Commented [SN1]:** Can we require this?

**Commented [SN2R1]:** Amy: I think we can if there is a held infrastructure (streets, storm basin, detention) to make sure there is maintenance.

**Commented [SN3R1]:** Change it to long term maintain agreement of publicly head infrastructure. Porivatlye head development conditions as approved by the City. Maintainace of infrastcture held privatly for public purpose

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

(2) If there is no damage identified by the City Engineer, the bond shall be released to the party who provided the bond.

(Ord. 16-99, passed 12-1-1999)

#### **§ 156.007 NEW DEVELOPMENT PLANNING, INSPECTION, AND ESCROW RELEASE REPORT.**

The city's New Development Planning, Inspection, and Escrow Release Report, as contained in Ord. 18-2005, along with the ordinance's "Addendum A," is hereby adopted by reference as if incorporated into this code in full.

(Ord. 18-2005, passed 12-7-2005)

### **PRELIMINARY PLAN**

#### **§ 156.020 PRELIMINARY INFORMATION.**

Each person who proposes to sub-divide land within the city limits ~~may~~ shall confer with the ~~Development Review Committee Planning Commission staff~~ before preparing any plats, charts, or plans in order to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.

(Prior Code, § 15.02.010) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.021 SUBDIVISION INFORMATION FORM.**

A subdivision information form supplied to the subdivider by the Planning Commission shall be filled out and submitted to the Planning Commission with the preliminary plan.

(Prior Code, § 15.02.020) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.022 PRELIMINARY PLAN FILING.**

A preliminary plan shall be prepared in ~~conformation with the standards, rules, and regulations contained herein, and conformance with the standards, rules, and regulations contained herein, and shall be provided in an PDF format and method accepted by the City~~ 12 black and white prints and reviewed by the Community Development Department for completeness. ~~thereof shall be submitted to the Planning Commission for approval or disapproval. Prior to Planning Commission review, the preliminary plan shall be submitted to the Development Review Committee (DRC) for their review and comment. The DRC shall review and provide written comments to the applicant and the Planning Commission within fifteen (15) business days of a complete application. One print shall be delivered by the Planning Commission to each of the following for their information and recommendations of such officials and departments: County Recorder, City Engineer, City Fire Department, County Health Officer, County~~

~~School Board, and companies furnishing telephone, electric, water or gas service, and the canal company.~~

(Prior Code, § 15.02.030) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.023 PRELIMINARY PLAN APPLICATION FEE.**

At the time of filing the preliminary plan, the subdivider shall deposit with the ~~City Planning Commission~~ a non-refundable fee made payable to the city. The City Council shall, by resolution from time to time, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for the expense incidental in connection with the checking and approving of such subdivision plans. Such fees are hereby made a part of the West Haven City Consolidated Fee Schedule. The West Haven City Consolidated Fee Schedule is hereby adopted by reference.

(Prior Code, § 15.02.040) (Ord. 3-92 passed 1-15-1992; Ord. 26-2023, passed 1-3-2024)

#### **§ 156.024 PRELIMINARY PLAN REQUIREMENTS.**

(A) The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch and shall show:

- (1) The proposed name of the subdivision;
- (2) The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area;
- (3) Sufficient information to locate accurately the property shown on the plan;
- (4) The individual or company names and addresses of the subdivider, the engineer and the registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided;
- (5) Contour map at intervals of two feet, five feet, or ten feet, as determined by the Planning Commission;
- (6) The boundary lines of the tract to be subdivided;
- (7) The location, widths, and other dimensions of all existing or platted streets and other important features, such as railroad lines, water courses, exceptional topography, and buildings within or immediately adjacent to the tract to be subdivided;
- (8) Existing sanitary sewers, storm drains, water supply mains, water wells, and culverts within the tract and immediately adjacent thereto;
- (9) The location, widths, and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, other open spaces, and lots with proper labeling of spacing to be dedicated to the public, or designated as private streets or private access rights-of-way; and

(10) North point, scale, and date.

(B) Plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants, and other proposed stormwater drainage facilities, and other proposed improvements such as sidewalks, plantings, and parks, and any grading of individual lots.

(C) UDOT Conditional Access Permit approval or minutes from a UDOT pre-application meeting, if applicable.

(CD) The applicant shall provide will serve or availability letters from the culinary water authority and the sanitary sewer authority regarding the proposed subdivision.

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(Prior Code, § 15.02.050) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.025 PRELIMINARY PLAN APPROVAL.**

(A) Following a review of the preliminary plan by the DRC, the Planning Commission shall act on the plan as submitted or modified. If approved, the Planning Commission shall express its written approval with whatever conditions are attached and by returning one copy of the preliminary plan, signed by the Community Development Director~~Planning Director~~, to the subdivider. If the preliminary plan is disapproved, the Planning Commission shall indicate its disapproval in writing and reasons therefore by similarly-signed copies.

(B) Notification of approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the subdivision improvement plans and final plat~~and specifications for the minimum improvements required in this chapter~~.

(Prior Code, § 15.02.060) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.026 TIME LIMITATION.**

(A) (A) Approval of the preliminary plan by the Planning Commission shall be valid for a maximum period of 18 months after approval~~unless, upon application of the subdivider, the Planning Commission grants an extension~~.

(B) (C) The applicant may seek a six (6) month extension from the Planning Commission. The Planning Commission shall not approve a six (6) month extension if there have been changes in the land use regulations that govern the proposed development since the initial approval.

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(CB) If the final plat has not been submitted within the 18 months or approved extended period, the preliminary plan must again be submitted to the Planning Commission for re-approval; however, preliminary approval of a large tract shall not be

voided; provided, that the final plat of the first section is submitted for final approval within the 18-month period.

(Prior Code, § 15.02.070) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.027 GRADING LIMITATION.**

No **large scale excavation**, grading, or regarding as determined by the Planning Commission shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission, and then only in accordance with the excavation ordinance of the city.

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(Prior Code, § 15.02.080) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.028 SUBMITTAL CRITERIA.**

All preliminary subdivision plats (24 by 36 sheet size) must contain the following:

- (A) A subdivision name;
- (B) A north arrow, scale, not less than one to one hundred (1:100), and reparation date;
- (C) A vicinity map to locate the property to be subdivided;
- (D) The boundary lines and dimensions of the parcel to be subdivided;
- (E) The location, widths, areas, and other dimensions of proposed lots, streets, easements, detention basins, and other features of the subdivision;
- (F) The location of existing and proposed improvements such as curbs and gutters, sanitary sewers, storm drains, and drainage plan, water supply lines, and culverts within 100 feet of the subdivision;
- (G) The location, widths, and other dimensions of existing or platted streets, or other features, such as water courses, buildings, or railroad lines within 200 feet of the proposed subdivision;
- (H) Existing ground contours of intervals not less than two feet; and
- (I) The names and addresses of the property owner of record, developer, engineer, or surveyor, and the owner'

(Ord. 17-98, passed 6-3-1998)

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### **FINAL PLAT**

#### **§ 156.040 SUBDIVISION IMPROVEMENT PLANS AND FINAL PLAT REQUIRED.**

~~(A) (A) After compliance with the provisions of §§ 156.020 through 156.028, the subdivider shall submit a final plat and subdivision improvement plans with four copies thereof to the City, the Development Review Committee (DRC) Planning Commission. Such plat shall be accompanied by a letter of certification by the subdivided registered land surveyor, indicating that all lots meet the requirements of the zoning ordinance. The City Engineer and Community Development Director shall serve as the Land Use Authority for the Subdivision Improvement Plans and the Planning Commission shall be the approval authority for the Final Plat application.~~

~~(A)~~

~~(B) Subdivision Improvement Plans: Subdivision Improvement Plans shall be prepared by a licensed engineer and conform to current engineering, public works, and International Fire Code standards, as well as all other applicable City and Utah State code requirements, in a PDF format.~~

~~(1) The Subdivision Improvement Plans shall address conditions within the initial preliminary plan report and any conditions of approval by the Planning Commission.~~

~~(2) Improvement Plans shall comply with West Haven requirements for all Subdivisions found in this title, in addition to adopted design standards, master plans, stormwater standards as adopted by the City and State, and any other applicable standards adopted by the City.~~

~~(C) (B) Final Subdivision Plat: A final Subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Weber County Recorder for recordation and meet the standards in § 156.041 FINAL PLAT REQUIREMENTS. Before printing on a mylar, the applicant shall submit a draft copy of the final plat for review.~~

~~(1) A draft copy of the final plat in a PDF format specified by the City~~

~~(2) A title report dated no more than 30 days before the date of application~~

~~(3) A copy of the approved subdivision improvement plans~~

~~(4) Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title;~~

~~(5) Other final subdivision plat notes, as required by West Haven or Utah State Code, or as required by the Planning Commission.~~

~~(D) Subdivision Final Plat and Improvement Plan Review Process: The Development Review Committee (DRC) shall review and provide reports to the applicant in compliance with Utah State Code §10-9a-604.2 as amended.~~

~~(1) The subdivision Final Plat and Improvement Plans shall be subject to four Review Cycles, as defined in this chapter.~~

~~(a) Once the applicant has submitted a complete application, the DRC~~

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<https://www.ulct.utah.gov/resources/subdivisions/>

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- shall have twenty (20) business days to review and provide an indexed report to the applicant with all required changes. This report shall cite and reference adopted code, design standards, and master plans that would require the change.
- (b) The DRC may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for the construction of public improvements; and
- (c) The DRC shall require modification to plans that do not meet current ordinances, applicable standards, or specifications, or do not contain complete information.
- (2) The Review Cycle limitation does not apply to property containing sensitive lands and geological hazard areas.
- (3) If an applicant makes a material change to a plan set, the DRC has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantially affects.
- (4) The applicant shall submit revised plans and shall provide a written explanation in response to the DRC's review comments, identifying and explaining the applicant's revisions and any reasons for declining to make a revision.
- (a) If the applicant does not submit a revised plan within twenty (20) business days after the DRC requires a modification or correction, the DRC shall have an additional twenty (20) business days to respond to the plans.
- (5) If on the fourth and final review, the DRC fails to respond within 20 business days or the improvement plans are not approved, the DRC shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
- (a) For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah State Code §10-9a-508(5)(d) to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the City, the panel shall consist of the following three experts:
1. one licensed engineer, designated by the City;
  2. one licensed engineer, designated by the land use applicant;
  - and
  3. one licensed engineer, agreed upon and designated by the two designated engineers as appointed in this section.
- (b) The members of the appeal panel assembled by the City may not have an interest in the application that is the subject of the appeal.
- (c) The subdivision applicant shall pay 50% of the cost of the panel and the City's published appeal fee.

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(6) For a dispute arising from a subdivision application review, the applicant may file an appeal with the Hearing Officer.

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(E) The City shall review and approve or deny a final subdivision plat and subdivision improvement plans application in accordance with the provisions of this title and other development standards adopted by the City. An applicant's failure to comply with these standards by the fourth and final review will result in denial, after which the applicant may choose to reapply or appeal the decision in accordance with the process outlined in this title.

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(F) Once the applicant addresses all of the DRC's review notes, the improvement plans shall be submitted to the City Engineer and Community Development Director for final approval. Once the improvement plans are approved, the final plat shall be submitted to the Planning Commission for final approval. Once approved, the applicant shall submit a signed final plat to the City for signatures on one twenty four inches by thirty six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).

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(G) Final plats are subject to approval by the Culinary Water Authority and the Sanitary Sewer Authority, and a box shall be provided on the final plat for the Sanitary Sewer Authority's signature.

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~~The final plat and accompanying information shall be submitted to the Planning Commission at least five days prior to a regularly scheduled Planning Commission meeting in order to be considered at said meeting.~~

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(Prior Code, § 15.04.010) (Ord. 3-92 passed 1-15-1992)

#### **§ 156.041 FINAL PLAT REQUIREMENTS.**

(A) The final plat shall consist of a sheet of approved tracing linen or Mylar to the outside or trim dimensions of 24 by 36 inches, and the border line of the plat shall be drawn in heavy lines leaving a space of at least one-half inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a registered land surveyor. The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen with approved waterproof, black India drawing ink. The plat shall be made to scale large enough to clearly show all details, and in any case not smaller than 100 feet to the inch and the workmanship on the finished drawing shall be neat, clean-cut, and readable. The plat shall be signed by all parties mentioned in division (A)(8) below, duly authorized and required to sign, and shall contain the following information:

(1) A subdivision name, approved by the County Recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall be shown on the top of the plat;

(2) Where a subdivision complies with the cluster subdivision provisions of the zoning ordinance, the final plat shall indicate underneath the subdivision name the words, "cluster subdivision;"

(3) A north point and scale of the drawing and the date;

(4) Accurately drawn boundaries, showing the proper bearings, basis of bearings, and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines. The state plane grid bearings (where available) shall be noted on the linen, and the basis of bearing sufficient for retracement shall also be noted on the final plat;

(5) The names, widths, lengths, bearings, and curve data on centerlines of proposed streets, alleys, and easements; also the boundaries, bearings, and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas, and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the City Engineer. All proposed streets shall be named or numbered consecutively under a definite system approved by the City Engineer and conform as far as practicable to the adopted street naming and numbering system of the city;

(6) A house number indicating the street address for each lot in the subdivision shall be assigned by the City Engineer marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage;

(7) Parcels of land to be dedicated as public parks or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "Public Park" or "Private Common Open Space," whichever is applicable;

(8) The standard forms approved by the Planning Commission for all subdivision plats lettered for the following, and as shown in § [156.004](#):

- (a) Description of land to be included in subdivision;
- (b) Registered land surveyor's certificate of survey;
- (c) Owner's dedication certificate;
- (d) Notary public's acknowledgment;
- (e) City Planning Commission's certificate of approval;
- (f) City Engineer's certificate of approval;
- (g) City Attorney's certificate of approval;
- (h) City Council's certificate of acceptance;
- (i) City Clerk's certificate of attest; and
- (j) City Surveyor's certificate of approval.

(9) A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information; and

(10) The subdivision boundary corners shall be set on the site prior to recording of the final plat. The subdivision boundary corners and centerlines street monuments shall be noted on the final plat. ~~For subdivisions that are located in the city which are zoned for agriculture (A-1 and A-2), the following statement shall be required on each page of the final plat:~~

~~(11) The use of lots within the subdivision boundary shall comply with the underlying zoning standards and uses.~~

-

~~"Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Zoning Ordinance for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."~~

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(B) For subdivisions that include lots which will be partially or completely in the base floodplain (see §§ [157.390](#) through [157.395](#)) of any river, stream, watercourse, lake, or other body of standing water, a boundary and elevations of the floodplain shall be required on the final plat. The lowest elevation of any inhabitable floor in any structure for each lot shall also be shown on the final plat.

(C) The subdivider shall furnish to the City Engineer a complete set of drawings signed and stamped by a licensed civil engineer of engineering designs for all streets, existing and proposed, and all utilities to be constructed within the subdivision together with the final plat. All such utility and road construction shall be in accordance with the adopted public works standards of the city.

(D) (1) After approving and signing the final plat, the Planning Commission shall submit the plat for approval of the City Engineer, who shall check the engineering requirements of the drawing and determine the amount of the bend to assure construction of the improvements where necessary.

(2) After approval and signature by the City Engineer, the plat and bond agreement shall be submitted to the City Attorney and the City Council, respectively, for their approval. The final plat, bearing all official approvals as above required, shall be deposited in the offices of the County Recorder for recording at the expense of the subdivider, who shall be notified of such deposit by the office of the County Recorder.

(3) Any final plat not so approved and signed, or which shall not be offered for recording within one year after the date of final approval, unless the time is extended by the Planning Commission, shall not be recorded or received for recording, and shall have no validity whatsoever.

(4) No street improvements or utilities shall be installed until after approval of the improvement plans by the City Engineer and Community Development Director. No lots

included in such plat shall be purchased, sold, exchanged, or offered for sale, and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

(5) The subdivider shall deposit with the city, at the time of final plat approval, an amount of money equal to the estimated cost of purchase and installation of the traffic-control and street name signs required for proper completion of subdivision traffic direction.

(6) The subdivider shall deposit with the city, at the time of final plat approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision so that the city may install such monuments as soon as practical by giving the first opportunity to the subdividing surveyor, or his or her designee.

(Prior Code, § 15.04.020) (Ord. 3-92 passed 1-15-1992; Ord. 2-96, passed 3-20-1996)

(E) Dedication Language: Public roadways and rights-of-way shall be dedicated to the City with the following language. The City may alter this language in cases of conflicting master development agreements or in unique circumstances that may require special language to address those needs:

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We, the undersigned owners of all the real property depicted on this plat and described in the surveyor's certificate on this plat, having clean title and full legal authority to dedicate the same, have caused the land described on this plat to be divided into lots, streets, parks, open spaces, easements and other public uses as designated on the plat, and to be hereinafter known as the "Subdivision."

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We now do hereby dedicate, grant, and convey, in perpetuity, pursuant to the provisions of § 10-9a-607, Utah Code, without condition, restriction or reservation to West Haven City, Utah, all public streets or other public rights-of-way as public thoroughfares for access, and also dedicate all designated public utility easements (P.U.E.), municipal utility easements (M.U.E), and other easements to West Haven City for the installation, maintenance, and operation of public service utility lines, municipal utility lines, storm drain lines, and intended public uses and municipal uses.

We now do also hereby dedicate, grant, and convey in perpetuity, pursuant to the provisions of § 10-9a-607, Utah Code, without condition, restriction, or reservation to West Haven City, Utah, all public open spaces, public parks, and all other places of public use noted on the plat to West Haven City, Utah, together with all improvements and special conditions required by the Development Agreement, dated \_\_\_\_\_, executed between the undersigned and West Haven City, for the benefit of West Haven City and the inhabitants thereof.

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OWNER(S):

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PRINTED NAME OF OWNER

AUTHORIZED SIGNATURE(S)

## SUBDIVISION PLAT AMEENEMENT

### 156.050 SUBDIVISION PLAT, AMENDMENT,

(A) No lot(s) within a subdivision approved by the City and recorded in the County Recorder's office, in accordance with the provisions of this chapter, shall be further divided, rearranged, added to, or reduced in area, nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded or any nonconforming lot, without first petitioning the City to amend the subdivision plat and obtaining the approval of the City.

1. The Planning Commission shall be the Land Use Authority for a Subdivision Amended Plat unless that amendment proposes to amend, vacate, or alter a City right-of-way or easement, in which case the Planning Commission shall make a recommendation to the City Council that will serve as the Land Use Authority.
2. All subdivision amendments shall comply with the provisions of this chapter, the underlying zoning standards, and standards set within Utah State Code §10-9a-608 and §10-9a-609 as amended.
3. The Land Use Authority shall approve, approve with conditions, or deny a Subdivision Amended Plat Application subject to all applicable standards.

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## SUBDIVISION STANDARDS

### § 156.055 RELATED TO ADJOINING STREET SYSTEMS.

(A) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Planning Commission for public requirements. The street arrangement must be such so as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

(B) Minor streets shall approach the major or collector streets at an angle of not less than 80 degrees.

(C) Secondary Access. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved access roads. All developments shall comply with West Haven and Weber Fire District Access standards.

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(Ord. 3-92 passed 1-15-1992)

**§ 156.056 STREET AND ALLEY WIDTHS, CUL-DE-SACS, EASEMENTS.**

(A) Streets in subdivisions shall be dedicated to the city as public streets, except that private streets improved to city public street standards may be approved in planned residential unit developments (PRUDs).

(B) Major and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum widths of 80 or 100 feet for major streets and 66 feet for collector streets.

(C) Standard residential streets shall have a minimum width of 60 feet, except that minor terminal streets and loop streets, or minor private streets, may have widths of not less than 50 feet.

(D) Minor terminal streets (cul-de-sacs) proposed in the subdivision of flat land where topography presents no barriers to development shall have a maximum length of 650 feet to the beginning of the turnaround or may serve a maximum of 14 lots, whichever is greater. Where a street is designated to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead end conditions exists.

(E) Marginal access streets of not less than 40 feet in width shall be required paralleling all limited access major streets, unless the subdivision is so designed that lots back onto such major streets.

(F) Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

(G) All proposed streets, whether public or private, shall conform to the city street cross-section standards as recommended by the Planning Commission and adopted by the City Council.

(H) Except where due to special circumstances, street grades over sustained lengths shall not exceed the following percentages: on major public streets, 8%; on collector streets, 10%; on minor streets, 12%; and on private streets, 15%.

(I) Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission.

(J) Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one foot in width between said street and adjacent property; provided that an agreement with the city and approved by the City Attorney has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the city for street purposes upon payment by

Commented [SN14]: Do we want to redefine this? This seems like it may be very restrictive for some developments

the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.057 BLOCKS.**

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

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

(C) Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.058 LOTS.**

(A) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future requirements.

(B) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning ordinance for the zone in which the subdivision is located, or:

(1) Except as otherwise permitted by the Hearing Officer Board of Adjustments;

(2) Where in accordance with the cluster subdivision or Planned Residential Unit Development provisions of the zoning ordinance; or

(3) As required by the County Health Officer as being the minimum area necessary for septic tank disposal and water, and well protection, if greater than the above area requirements.

(C) Each lot shall abut on a public street, private street, or private access right-of-way dedicated by the subdivision plat or an existing publicly-dedicated street, or on a street which has become such by right of use and is more than 26 feet wide, except as provided in division (D) below. Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design undesirable.

(D) Where approved by the Planning Commission Board of Adjustments, lots not having frontage on a street as required by the zoning ordinance for the zone in which

the subdivision is located but upon a right-of-way may be included within a subdivision, provided the following requirements are met:

(1) The Planning Commission determines that it is impractical to extend streets to serve such lots;

(2) The area of the right-of-way shall be in addition to the minimum lot area requirements of the zone in which the lot is located;

(3) The grade of any portion of the right-of-way or fee title access strip shall not exceed 15%; and

(4) Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.

(E) Corner lots shall have extra width sufficient for the maintenance of required building lines on both sides.

(F) Side lines of lots shall be approximately at a right angle, or radial, to the street line.

(G) All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(H) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the Planning Commission by the County Recorder.

(I) The Planning Commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines, and other utilities shall be provided in the subdivision when required by the Planning Commission.

(J) (1) No mailbox or other receptacle may be installed within developments within the city unless such installation and equipment has been reviewed and approved by the postmaster responsible for the delivery of mail to that property.

(2) Regulations promulgated by the United States Postal Service relating to mailboxes and similar receptacles, including, but not limited to, the installation and approved types of said receptacles, are hereby incorporated by this reference as if fully set out herein, and a violation of said regulations shall constitute a violation of this subchapter.

(Ord. 3-92 passed 1-15-1992; Ord. 09-2001, passed 8-1-2001) Penalty, see § [156.999](#)

#### **§ 156.059 PARKS, SCHOOL SITES, AND OTHER PUBLIC PLACES.**

(A) In all subdivisions and subdivisions where there are no public streets, the Planning Commission may require the dedication to the city of not more than 3% of the gross area of the subdivision for parks, open spaces, or other public uses in such

**Commented [SN15]:** This code is problematic. It seems to let the City pick and choose who should dedicate park space and who shouldn't. I don't even think the City wants this anymore.



locations as approved by the Planning Commission as indicated on the approved preliminary plan.

(B) Where it is determined that a greater amount of land is required for parks and open spaces to meet the master plan requirements for that area of the city, or a school site is required, the Planning Commission, after so apprising the appropriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved preliminary plan.

(C) The subdivider, at the time of filing the final plat with the Planning Commission, must offer to sell at a fair market price to the city or other appropriate public agency, within one year immediately following the recording of the final plat, any land so designated for school sites or any land designated for park or open space in excess of the 3% of land area required to be dedicated in accordance with division (A) above.

(D) If any such proposed public areas or school sites have not been purchased by the appropriate public agency within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this subchapter.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.060 CLUSTER SUBDIVISIONS; SPECIAL PROVISIONS.**

(A) *Design standards.*

(1) The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plan that have been adopted by the Commission, and design standards recommended by the Planning Commission and approved by the City Council.

(2) Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.

(3) Cluster subdivisions, in areas of the city where year-round living is normally expected or proposed, shall use the following design elements in preparation of the preliminary plat of the cluster subdivision.

(a) A majority of the proposed lots shall have direct access to the common open space. The remaining lots shall be connected to the common space by a trail system or by a sidewalk system in urban-type subdivisions.

(b) The proposed common open space shall consist of land which, under normal circumstances, could be considered for subdivision. Land which could normally not be developed but provides an amenity may also be a part of the common open space. This may include riding arenas, lakes, developed play areas, golf courses, or other similar such amenities.

(c) The number of lots in any cluster shall be approved by the Planning Commission. The design of the clusters shall generally be such that open space vistas or developed open spaces intercede between clusters.

(B) *Provision of common open space.*

(1) The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open spaces. He or she shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning ordinance, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents, and the general public.

(2) The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired character, including plans for deposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

(C) *Guarantee of common open space improvements.* As assurance of completion of common open space improvements, the subdivider may be required to file with the City Council a surety or cash bond guaranteeing such completion in a manner satisfactory to the City Council, within two years of such filing. Upon completion of the improvements for which a surety or cash bond has been filed, the subdivider shall call for inspection by the Planning Commission, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released within seven days from the time of inspection. If the bonds are not released, refusal to release and reasons therefor shall be given to the subdivider in writing, also within seven days from the time of inspection.

(D) *Continuation of common open space.* As assurance of continuation of common open space use, in accordance with the plans approved by the Planning Commission, the subdivider shall grant to the city an open space easement on and over the common open space prior to the recording of the final plat, which easement will not give the general public right of access but will provide that the common open space remains open.

(E) *Maintenance of common open space, and the like.*

(1) As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed, prior to the recording of the final plat, a Lot Owners' Association, and shall establish articles of incorporation of the Association, bylaws, and covenants outlining the purpose, organization, and operation of the Association.

(2) Such articles of incorporation and covenants shall, among other things, provide:

(a) Membership shall be mandatory for each lot purchased and each successive buyer;

(b) Common open space restrictions must be permanent, not just for a period of years;

(c) The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;

(d) Lot owners must pay their prorated share of the costs;

(e) The assessment levied by the Association can become a lien on the property;

(f) The Association must be able to adjust the assessment to meet changed needs; and

(g) In the event the Lot Owners' Association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the city may, at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the members of the Lot Owners' Association.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.061 IDENTIFICATION OF FLOODPLAIN.**

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

(B) In subdivisions of at least nine lots, base flood and ground elevation data shall be provided for each lot by the developer and approved by the City Engineer.

(1) Such data shall appear on the final subdivision linen. In subdivisions of fewer than nine lots, the base elevation shall be determined by the City Engineer.

(2) Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such flood elevations.

(C) In accordance with guidelines set by the Federal Flood Insurance Administration, the elevations of the lowest inhabitable floor for any building or structure shall be equal to or higher than the base flood elevation as determined by the flood hazard boundary map and the City Engineer.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.062 POWER AND TELEPHONE UTILITIES.**

All electric power and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the Planning Commission concurs, that it is impractical due to steep terrain, inaccessible location, and the like.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.063 PUBLIC WORKS STANDARDS.**

(A) *Public works standards.*

(1) *Modified high-back curb.* Any other provision of this, or any other, city ordinance notwithstanding, modified high-back curb shall, from the effective date of this chapter, be required as a part of all future development within the city as specified in the public works standards.

(2) *TV and flush of storm drains and sewers.* Any other provision of this chapter or any other city ordinance notwithstanding, from the effective date of this chapter, developers shall be required to provide TV and flush services to storm drains and sewers installed in the city as a part of all future development within the city as specified in the public works standards.

(B) *Public works diagrams.*

[IMAGE]

(Ord. 23-98, passed 10-7-1998)

## CONDOMINIUM PROJECTS

### § 156.075 DEFINITIONS.

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

**CONDOMINIUM PROJECT.** A real estate condominium project, a plan, or a project whereby two or more units, whether contained existing or proposed apartment, commercial, or industrial buildings, or structures or otherwise, are separately offered, or proposed to be offered, for sale. **CONDOMINIUM PROJECT** shall also mean the property where the context so requires.

**UNIT.** A separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a **UNIT** in accordance with UCA § 57-8-13.4, as amended.

(Ord. 3-92 passed 1-15-1992)

### § 156.076 CONDOMINIUM PROJECTS; SUBDIVISIONS.

A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared pursuant to the Condominium Ownership Act, UCA § 57-8, as amended, shall be considered to be a subdivision map or plat with respect to such real property or improvements that are to be dedicated to the use of the public, and to those units which are not contained existing or proposed buildings.

(Ord. 3-92 passed 1-15-1992)

### § 156.077 CONDOMINIUM PROJECTS TO COMPLY WITH LOCAL ORDINANCES.

(A) Condominium projects shall comply with all the provisions of the city uniform zoning ordinance, the building, health, and similar development regulations and

ordinances of the city, and with the city subdivision regulations, and shall follow the procedures outlined in such regulations for processing subdivisions.

(B) The standards and criteria for geographical layout of a condominium project, the facilities of utility lines and roads, and the percentage of the project to be devoted to common or recreational use shall comply with the provisions of the ordinances and regulations in division (A) above.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.078 APPROVAL OF CONDOMINIUM DECLARATION.**

A copy of the preliminary condominium declaration prepared pursuant to UCA § 57-3, as amended, shall be submitted to the Planning Commission, along with the preliminary record of survey, for review approval with respect to the standards for the maintenance, upkeep, and operations of roads and the facilities of utility lines.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.079 INSTALLATION OF IMPROVEMENTS.**

The developer of a condominium project shall, at his or her own expense, install the improvements listed in §§ [156.090](#) and [156.091](#). In addition, proposed recreation facilities, clubhouses, recreational vehicle parking areas, and landscaping materials in accordance with an approved plan shall be included in the guarantee of improvements provided by the developer to the city prior to final approval by the city, or except as provided in §§ [156.090](#) and [156.091](#), in accordance with the plans and specifications as approved by the city.

(Ord. 3-92 passed 1-15-1992)

### **SUBDIVISION IMPROVEMENTS REQUIRED**

#### **§ 156.090 OWNER OF SUBDIVISION RESPONSIBLE FOR COSTS.**

(A) The owner of any land to be platted as a subdivision shall, at his or her own expense, install the following improvements prior to recording the final plat, or except as provided in § [156.091](#)(A)(2)(b), according to the specifications and standards contained in the West Haven City Engineering Design Standards and Specifications, and by this reference made a part of these, except for septic tanks, which must be installed according to the specifications of, and under the inspection of, the County Health Officer. This document, adopted by reference, is the document of "Public Works Standards and Technical Specifications" previously adopted and utilized by the county. References in this document to "county," "the county," "County Engineer," "County Standards," and the like shall, in all cases, be interpreted to mean "city," "the city," "City Engineer," "city standards," and the like.

(B) The owner or developer of any land to be platted as a subdivision of one lot or more will be required, prior to recording the final plat, to provide ~~a minimum of one-half acre of water, or the equivalent thereof, per acre, if water is currently available with the land being sold, in accordance with the local culinary and seedarysecondary water authority.~~ -

(Ord. 3-92 passed 1-15-1992; Ord. 4-95, passed 3-15-1995)

**§ 156.091 IMPROVEMENTS REQUIRED.**

**(A) *Water supply.***

(1) Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install waterlines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall furnish to the County Health Officer three copies of plans showing the location and size of proposed waterlines and fire hydrants, and also existing waterlines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished. The County Health Officer shall determine the adequacy of the existing water system to provide culinary water and fire protection to the State Board of Health Requirements to the lots in the subdivision. Written approval by the County Health Officer for the proposed water supply shall be submitted to the Planning Commission before consideration of the final plan.

(2) Where an approved public water supply or system is not reasonably accessible nor procurable, the subdivider shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the State Board of Health rules and regulations relating to public water supplies and with the approval of the County Health Officer; provided, that the Planning Commission shall permit the water supply to be provided by means of individual wells if, in its determination, the subdivision is not an extension or continuation of an existing or approved subdivision of related property and the subdivision is in a location where water supply pollution is not considered to be a significant problem or factor as follows:

(a) In subdivisions of ten or more, but less than 20, lots where each lot has a minimum area of two and one-half acres and a minimum width of 300 feet; or

(b) In subdivisions of less than ten lots, evidence shall be submitted to the Planning Commission prior to the final approval of the subdivision that an adequate water supply meeting State Board of Health requirements is available in sufficient quantity to serve the subdivision.

(3) If individual well permits will not be issued by the State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include, but not be limited to:

- (a) A well permit must be obtained;
- (b) The time it may take to obtain the permit;
- (c) The well must be drilled;

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**Commented [SN17R16]:** Make sure it is on an established calculations of projected water interest requirements.

(d) Water quality to be satisfactory; and

(e) Water quantity to be sufficient, as required by the County Health Department, before a building permit can be obtained from the City Inspector.

(B) *Sewage disposal.*

(1) Where a public sanitary sewer is within 500 feet, or is close enough in the opinion of the County Health Officer and Planning Commission to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and standards of the city, and shall be approved by the City Engineer. Where the construction of a city trunk sewer is required to serve the subdivision, the subdivider shall be required to construct such trunk line in accordance with plans and specifications approved by the city and Sewer Improvement District as part of the normal subdivision improvements. Such trunk line shall be designed with sufficient capacity to serve the entire drainage area, as determined by the City Engineer, with the subdivider being entitled to reimbursement for such oversize costs through additional sewer connection fee assessments to developing properties within said drainage area for a period of ten years from the date of acceptance by the city.

(2) Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the County Health Officer for individual sewage disposal for each of the lots. Subdividers shall furnish to the County Health Officer a report of percolation tests completed on the property proposed for subdivision in accordance with the regulations of the State Department of Public Health governing individual sewage disposal systems. Three copies of the subdivision plan showing appropriate contours shall accompany the report and show thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the County Health Officer shall be submitted to the Planning Commission before consideration of the final plat.

(3) Where a public sanitary sewer is not presently or reasonably accessible, the subdivider shall, nevertheless, and notwithstanding anything herein to the contrary, be required to provide adequate lateral lines to the property line of each lot and shall provide for a connection for said laterals as though a sanitary sewer were reasonably accessible. Such sewer connections and subdivision sewer systems shall comply with the "Public Works Standards and Technical Specifications" for the city, as set out in Exhibit A, as well as the "Public Works Standards and Technical Specifications" for the City Wastewater Special Service District as promulgated, and as directed by the City Engineer. Where the construction of a trunk line is required, it shall be constructed in accordance with the terms set out in division (B)(1) above.

(C) *Stormwater.*

(1) The City Engineer may require the subdivider to dispose of stormwater, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If

easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

(2) When drainage structures, such as stormwater detention facilities, are required by the City Engineer, the city, at its option, may require the facility to be dedicated or otherwise transferred to the city or its designate. The city may also require the developer of the subdivision which the detention facility serves to form a Homeowners' Association of all homes proposed in the subdivision. The purpose of the Association shall be to own and maintain the detention facility in satisfactory condition as specified by the City Engineer. In such cases, the city shall be granted an easement over the detention facilities to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

(D) *Street grading and surfacing.* All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the standards and rules and regulations of the City Engineer.

(E) *Curbs and gutters.*

(1) Curbs and gutters shall be installed on existing and proposed streets by the subdivider where, in the opinion of the Planning Commission and City Engineer, they will be necessary to remove surface water, or for safety or other reasons.

(2) After recommendation by the Planning Commission and City Engineer, the City Council may waive curb and gutter improvements on non-state highway streets in subdivisions:

(a) Which are located in a primarily agricultural or rural area;

(b) Where, because of excessive topography and other reasons, runoff from a curb and gutter collection system could not easily and economically be disposed of; or

(c) Of an estate-type nature where the average lot width is 150 feet or more and the average lot is 40,000 square feet or more.

(F) *Sidewalks.* Sidewalks shall be required by the Planning Commission for reasons of safety or public welfare, except that in subdivisions where the average lot width is 150 feet or more, sidewalks may not be required.

(G) *Monuments.* Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type specified in the "City Public Works Standards and Technical Specifications" approved by the City Engineer.

(H) *Street trees.* Street trees shall be planted by the subdivider when so required by the Planning Commission and of a variety and location as approved by the Planning Commission.

(I) *Street signs.* Street signs shall be installed by the subdivider at all locations as designated by the City Engineer. Such signs shall be of such a type and of such material as shall be prescribed by the City Engineer. The City Council shall have the option to install such signs and charge such costs to the subdivider.



(J) *Fencing of canals, and the like.* The city recognizes that canals both provide a vital service to the community while at the same time presenting a possible hazard to certain of our citizens. While the city does not have any direct responsibility for the fencing and maintenance of these canals, in order to facilitate the required maintenance and operation of these facilities, the following procedures shall apply to all development within the city where that development abuts a canal.

(1) All developers proposing to develop or subdivide adjacent to a canal must provide written documentation to the city demonstrating that the canal company responsible for that canal has satisfied itself that the development will not encroach on the canal company's maintenance right-of-way or otherwise impede canal operations; and, evidencing agreement on the part of the developer, to abide by the requirements of the canal company as those requirements may effect the proposed adjacent development.

(2) The city will not grant final approval to any subdivision or development without the documentation set out in division (J)(1) above having been placed in the development file.

(3) Each developer will be required to record the agreement with the canal company set out in division (J)(1) above, together with the finalized subdivision or development plat, in the office of the County Recorder, which plat must clearly show any canal easements or rights-of-way.

(4) The City Planner shall, on an automatic basis, and as a part of the subdivision permit and approval process, provide any canal company with a site plan of any proposed subdivision or development work adjacent to that company's canal.

(K) *Staking of lots.* Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground.

(L) *Peripheral fencing.* The Planning Commission may require appropriate type fencing along the periphery of a subdivision in an agricultural zone so as to provide protection to adjacent farming lands from the adverse effects of residential living, and vice versa.

(M) *Secondary water.*

(1) Where a subdivision is proposed covering real property which is located within an existing culinary water district or the service area of an existing water corporation, or public secondary water system operator or provider, or within a water district or water corporation service area created to serve such subdivision, the Planning Commission shall, as part of the approval of the subdivision, require the subdivider to furnish adequate secondary water to the subdivided parcel and to do so in conjunction with the water provider as set out herein.

(a) Additionally, the Planning Commission shall, as a part of the subdivision approval process, require the subdivider to install a secondary water delivery system to the lots in said subdivision sufficient to conform to the public works standards of the city or, in the case of a public secondary water system, to the public works standards of said

public water provider (when this situation applies, the standards of the public water supplier shall be deemed, for the purposes of this part, to be the standards of the city).

(b) If such water district or company files or has filed a written statement with the City Planning Commission which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the subdivider, a certified copy of the minutes of the Board of Trustees of such water district or company showing the enactment of such policy must be furnished to the City Planning Commission.

(c) Notwithstanding the above, all new development shall be provided with connections to a public secondary water system consistent with the above policy as follows.

1. All new development within one-fourth mile (1,320 feet) of a public secondary water system is required to hook up to the system.
2. New development not within one-fourth mile of a public secondary water system can choose to do one of the following:
  - a. Postpone development until a public secondary water system is within one-fourth mile of the development; or
  - b. Develop and construct the necessary secondary waterlines and infrastructure to hook the development to a public secondary system according to the capital facilities plan of the system's provider (this is consistent with the city's current development requirements).
3. Lines constructed by the developer in accordance with this policy and that are, or become, part of the public secondary water provider entity's master plan shall be reimbursed by the public entity to the developer.

(d) **SECONDARY WATER** shall mean water furnished for other than culinary purposes.

(2) Where the city, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the subdivider shall provide for the transfer of irrigation water rights by either of the following methods, as determined by the Planning Commission.

(a) The subdivider shall cause to be formed a Lot Owners' Association as a non-profit corporation for the purpose of owning the irrigation water rights or stock for the lots in the subdivision. The subdivider shall transfer to the Association, at the time of subdivision recording, sufficient rights or stock, as required by the irrigation agency for the number of lots in the subdivision. The Articles of Incorporation of the Association shall provide, in addition to the Association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the Association, that he or she is entitled to a pro rata share of irrigation water, that he or she is subject to a water distribution schedule and procedure established by the Association, and that he or she is responsible for his or her share of

the costs of ditch and system maintenance, and assessments, as made by the Association from time to time.

(b) The subdivider shall provide the county with evidence that he or she holds sufficient irrigation water rights or shares for all of the lots in the subdivision. At the time of recording the approved subdivision plat, he or she shall record a covenant to run with the land in the subdivision, acknowledging that he or she holds sufficient irrigation water rights or shares for the lots in the subdivision, that these rights or shares will not be disposed of except to the lots in the subdivision, and that with the sale of each lot, he or she will transfer, at no cost, the required water rights or shares needed to properly irrigate the lot to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.

(N) *Fire hydrants.* Fire hydrants of a type recommended by the County Fire Service Area and the City Engineer shall be required in all subdivisions of four lots or greater in number. The County Fire Service Area shall recommend the location of all fire hydrants in each subdivision, however, general locations shall be one hydrant for each 500 feet of street length.

(O) *Private land drains.*

(1) Where a subdivider finds it necessary to install private subsurface land drains in a subdivision to lower the groundwater table in order to receive County Health Department approval for the operation of septic tank drainfields in certain lots, he or she shall be required to record a deed covenant and restriction to run with the land stating that the city accepts no liability or responsibility for maintenance, repair, replacement, operation, or use of any consequence resulting from the operation or failure of operation of said land drains.

(2) The deed covenant shall provide that the owners of lots serviced by the land drains shall bear an equal responsibility to share all costs relative to the maintenance, repair, or replacement of said drains and also place said owners on notice that no building permit will be issued for said lots until the land drains have been constructed and found to function properly by the County Health Department.

(3) The design of private subsurface land drains shall be approved by both the City Engineer and the County Health Department.

(Ord. 3-92, passed 1-15-1992; Ord. 21-92, passed 12-16-1992; Ord. 1-96, passed 2-7-1996; Ord. 9-98, passed 5-6-1998; Ord. 11-2000, passed 11-15-2000)

#### **§ 156.092 GUARANTEE OF IMPROVEMENTS.**

(A) In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified as follows:

(1) The subdivider may furnish and file with the City Council a bond with corporate surety, in an amount equal to the future cost of the installation of the improvements at the termination of the bonding period, as estimated by the City Engineer, to assure the

installation of such improvements within a two-year, or shorter or longer, period if otherwise established by the City Council from the approval date of the subdivision plat by the City Council, which bond shall be approved by the City Council; and

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

(B) The documents aforesaid shall be approved as to form by the City Attorney. The Planning Commission is authorized to prescribe by administrative rules or regulations, forms, and procedures to ensure the orderly, regular, and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this chapter.

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

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

(Ord. 3-92, passed 1-15-1992)

#### **§ 156.093 INSPECTION OF IMPROVEMENTS.**

The City Engineer, Building Inspector, and County Health Officer shall inspect, or cause to be inspected, all buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation, repair, and the like. Excavation for fire hydrants, water, and sewer mains, and laterals shall not be covered over or back filled until such installations shall have been approved by the City Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer.

(Ord. 3-92, passed 1-15-1992)

### **ENFORCEMENT AND PERMITS**

#### **§ 156.105 SUBDIVISION APPROVAL REQUIRED FOR PERMIT.**

The City Building Inspector shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all provisions of this chapter. No city officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision, as defined

herein, until such subdivision has been approved and recorded in the County Recorder's Office. Any license or permit issued in conflict with this chapter shall be null and void.

(Ord. 3-92 passed 1-15-1992)

#### **§ 156.106 SUBDIVISION PROCESSING; SCHEDULE.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**ENGINEERING CHECKING AND IMPROVEMENT INSPECTION.** The work performed by the City Engineer in checking the plans for road construction and utility installation as proposed by the subdivider and the in-site inspection of the actual construction to ensure conformance with city standards.

**PLANNING PROCESSING.** The procedure followed by the staff of the Planning Commission in accordance with the city subdivision ordinance in checking and reviewing proposed subdivisions leading to final approval by the city.

**RURAL SUBDIVISIONS.** Subdivisions in a primarily agricultural or rural area and in which the requirements of curbs, gutters, and sidewalks have been waived by the city in accordance with § 156.091.

(B) *Fee schedule.*

(1) A subdivider proposing a subdivision in the city shall deposit with the city a non-refundable fee for planning processing at the time of submission of the preliminary plan to help defray the planning costs incurred by the city.

(2) The subdivider shall also deposit with the city a non-refundable fee for engineering checking and improvement inspection at the time of final approval of the subdivision by the city to help defray the engineering costs incurred by the city.

(3) Both of these fees shall be in accordance with the West Haven City Consolidated Fee Schedule. The West Haven City Consolidated Fee Schedule is hereby adopted by reference.

(Ord. 3-92 passed 1-15-1992; Ord. 26-2023, passed 1-3-2024)

#### **§ 156.999 PENALTY.**

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

(Ord. 3-92 passed 1-15-1992)

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This section contains the process outlined within the state code. We don't necessarily need to outline it in our code; most of this is duplicated, but having it within our code may help add clarity in our review process.

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