

ORDINANCE NO. 15-2024

AN ORDINANCE OF WEST HAVEN CITY AMENDING THE ACCESSORY BUILDINGS REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.

Section 1 – Recitals

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

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by the laws of the State of Utah or any other provision of law; and,

WHEREAS, the City Council finds that having accessory structures, as defined in West Haven Zoning Code, is an essential property right throughout West Haven; and

WHEREAS, the City Council finds that there are certain updates that should be made to better accommodate and clarify accessory structure usage;

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

NOW THEREFORE, BE IT ORDAINED by the City of West Haven that the following portions of the West Haven City Zoning Code are amended as follows:

157.083 SITE DEVELOPMENT STANDARDS

See West Haven Zoning Code 157.605 for regulations on ~~accessory building structures~~.

157.124 LOCATION OF STRUCTURES

(C) Detached accessory ~~buildings and garages-structures~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.125 MAXIMUM STRUCTURE HEIGHT

(B) Accessory ~~building structures~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.144 LOCATION OF STRUCTURES

(C) Accessory ~~building and garages-structures~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.145 MAXIMUM STRUCURE HEIGHT

(B) Accessory ~~building structure~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.164 LOCATION OF STRUCTURES

(C) Accessory ~~building and garages structures~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.165 MAXIMUM STRUCTURE HEIGHT

(B) Accessory ~~building structure~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.184 LOCATION OF STRUCTURES

(C) Accessory ~~buildings structures~~. See West Haven Zoning Code 157.605, Accessory ~~Building Structures~~.

157.236 SITE DEVELOPMENT STANDARDS

See West Haven Zoning Code 157.605, Accessory ~~Buildings Structures~~

157.260 SITE DEVELOPMENT STANDARDS

See West Haven Zoning Code 157.605, Accessory ~~Buildings Structures~~

157.601 AREA OF ACCESSORY ~~BUILDINGS STRUCTURES~~.

(A) An accessory structure is anything that is constructed or erected which requires location on the ground or attached to something having a location on the ground that is located on the same lot as a main building. No accessory ~~building structure~~, nor group of accessory ~~buildings structures~~, in any residential zone shall cover more than 25% of the rear yard or ~~side yard~~. If ~~accessory structures are being placed on the rear yard and side yard, then the percentage of allowable area cover is 40% of the combined area.~~

(B) Pools and sport courts are exempt from the area cover requirement and are limited to only being placed in the rear yard. Pools and sport courts are required to have a barrier surrounding it that is at least 48 inches in height and at least 3' from the edge of the pool or sport court.

157.605 ~~MAXIMUM HEIGHT OF ACCESSORY BUILDINGS~~ ~~ADDITIONAL ACCESSORY STRUCTURE REQUIREMENTS~~

(A) Accessory ~~buildings structures~~ are a permitted use in all agricultural and residential zones, subject to the following height and setback limitations. ~~An accessory structure is defined as a constructed or erected which requires location on the ground or attached to something having location on the ground located upon the same lot occupied by the main building.~~

~~If there is a greater than 5' public utility easement in place, then letters from all utility companies are required upon submittal of a land use permit or building permit along with a request by the landowner to vacate a portion of the easement to accommodate a 5' setback. Otherwise, all other easements shall be complied with, meaning that no accessory structures shall encroach on those easements.~~

Lot Size	0-8,000 sq ft	8,000-12,500 sq ft	12,501-20,000 sq ft	20,001-30,000 sq ft	30,001+ sq ft
Max. Height	15'	20'	25'	30'	35'
Front Setback	<p>All accessory buildings must be located a minimum of 5' behind the front plane of the home</p> <p>Accessory structures may observe the front setback of the property's zone unless they are being proposed on a corner lot. If an accessory structure is going to be built within the front plane, the structure must be compatible with the main dwelling (colors, materials, roof pitch). A greenhouse is the only exception to this requirement. No accessory structure may sit directly in front of the main dwelling.</p>				
Side Setback	5'	5'	10'-5'	10'-5'	10'-5'
Rear Setback	5'	5'	10'-5'	10'-5'	10'-5'

~~(B) Regardless of the above setbacks, accessory buildings located in the portion of the lot adjacent to the street shall observe all side setbacks for a primary dwelling. No additional side setback is required, but the rear setback shall be as indicated above.~~

~~Regardless of the above setbacks, accessory structures located in the portion of the lot adjacent to the street shall be five feet (5') feet from the property line if there is no access to street and ten feet (10') if there is access to the street. Accessory structures are only permitted five feet (5') behind the front plane of the house for corner lots.~~

~~(C) All accessory structures must keep the roofline within the property where it is built and must not overhang onto a neighboring property. The structure must be designed to drain onto the building lot and must not pour over to the neighboring property.~~

~~(D) If an accessory structure is wanting a reduced setback of 3' then it must be 1-hour fire-rated and shall be checked by the building department.~~

The foregoing Recitals are fully incorporated herein.

Section 2 – Prior Ordinances and Resolutions

That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 3 – Repealer of Conflicting Enactments

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

Section 4 – Savings Clause

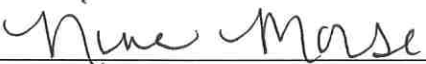
If any provision of this Ordinance be held or deemed invalid, inoperative, or unenforceable, such will render no other provision or provisions invalid, inoperative, or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

Section 5 – Date of Effect

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 15th day of May, 2024

WEST HAVEN CITY



Nina Morse
Pro Tem

ATTEST:



Emily Green, City Recorder



Councilmember Carrie Call	Yes <u>✓</u>	No <u> </u>
Councilmember Kim Dixon	Yes <u>✓</u>	No <u> </u>
Councilmember Nina Morse	Yes <u>✓</u>	No <u> </u>
Councilmember Ryan Saunders	Yes <u>✓</u>	No <u> </u>
Councilmember Ryan Swapp	Yes <u>✓</u>	No <u> </u>

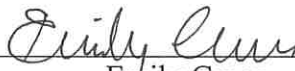
RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. 15-2024**, entitled “**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE ACCESSORY BUILDINGS REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**” adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on May 15, 2024 which appears of record in my office, with the date of posting or publication being May 15, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 15 day of May 2024.





Emily Green
City Recorder

(city seal)