



**WEST HAVEN CITY
PLANNING COMMISSION AGENDA**

September 11, 2024
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **SEPTEMBER 11, 2024** THE WEST HAVEN PLANNING COMMISSION WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:30 PM: PLANNING COMMISSION WORK SESSION** **6:00 PM: REGULAR PLANNING COMMISSION MEETING**. JOIN US DIGITALLY FOR THE WORK SESSION AND PLANNING COMMISSION MEETING AT [HTTPS://US06WEB.ZOOM.US/J/86539464549](https://us06web.zoom.us/j/86539464549). WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/@CITYOFWESTHAVENUTAH4030](https://www.youtube.com/@cityofwesthavenutah4030).

5:30 WORK SESSION – In City Council Chambers

NO ACTION CAN OR WILL BE TAKEN ON ANY PLANNING COMMISSION MEETING AGENDA ITEMS DISCUSSED DURING PLANNING COMMISSION WORK SESSION - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: CHAIRMAN ROUNDY

REPORTS AND DISCUSSION AS FOLLOWS:

1. DISCUSSION-PLANNING COMMISSION PROCESS

6:00 PM REGULAR PLANNING COMMISSION MEETING

1. **CALL TO ORDER-CHAIRMAN ROUNDY**
2. **OPENING CEREMONIES**
 - A. PLEDGE OF ALLEGIANCE- COMMISSION MEMBER LAMAR
 - B. PRAYER/MOMENT OF SILENCE-COMMISSION MEMBER REYNA
3. **REPORT**
 - A. ACTIONS TAKEN BY CITY COUNCIL ON PLANNING COMMISSION RECOMMENDATIONS
4. **DISCUSSION AND ACTION-PARKING ORDINANCE**
 - A. TO CONSIDER AN AMENDMENT TO THE PARKING REGULATIONS (CHAPTER 71) ORDINANCE
5. **DISCUSSION-HOME OCCUPATION ORDINANCE**
6. **ADJOURNMENT**

Robyn VanCampen

Robyn VanCampen, Deputy Recorder

In compliance with the Americans with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 731-4519 or by email: emilyg@westhavencity.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at [westhavencity.com](https://www.westhavencity.com); emailed to the Standard-Examiner with a request that it be posted in their Wednesday night meeting section, mailed and emailed to the West Haven City Mayor and each West Haven City Council Member who has email capacity and to the city attorney.

Planning Commission Staff Review Memo

September 11, 2024

Dan Tanner, Code Enforcement



Parking Regulations

Governing Document: Chapter 71 Parking Regulations

Decision Type: Legislative

Staff Recommendation: See comments under "Staff Review"

Public Hearing Posting: A public hearing was already held with the Planning Commission.

Background

Code Enforcement received complaints about perpendicular parking and the need to add that portion to our Parking Regulation ordinance. Staff proceeded with adding language to the ordinance similar to what is found in Utah Code §41-6a-1402. Staff also went through and updated any other part that needed to be clarified.

Staff Review

All changes to the ordinance are in red on the attached ordinance sheet. The following are the changes that are being suggested by staff to be made to the ordinance:

1. Under City Code Section **71.03, PARKING OR BLOCKING STREETS, HIGHWAYS, OR ALLEYS PROHIBITED:** Item (F) was added which talks about only allowing cars to park parallel to the curb or shoulder of the street and prohibits perpendicular or angle parking.
2. Under City Code Section **71.04, Vehicles for Sale:** The language regarding 48 or more consecutive hours was crossed out. Added complete description to the penalty.
3. Under City Code Section **71.06, Specific Prohibited Parking; Permit:** Item (A) - Removed language defining specific allowed limited parking and added language that is inclusive of all types of trailers , RV, and boat be allowed to be parked for the purpose of loading and unloading for no more than 24 hours.

Staff Recommendation

Staff recommends forwarding a recommendation of approval to the City Council regarding the proposed amendments to Chapter 71 Parking Regulations as outlined.

71.03 PARKING OR BLOCKING STREETS, HIGHWAYS, OR ALLEYS PROHIBITED.

Besides the parking provisions in the State Traffic Code, as adopted by this city, and re-adopted by ordinance, it shall be unlawful for any person to:

(A) Remain standing, lying, or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon;

(B) Willfully remain standing, lying, or sitting on any street or highway in such manner for more than one minute after being requested to move by any law enforcement agency representative;

(C) Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into, or out of, any property abutting upon the street or highway, or any property having access to such street or highway;

(D) Willfully park, or allow to remain parked, a motor vehicle within an alley in such manner, or under such conditions, as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property; and

(E) It shall be unlawful to park or stop a vehicle upon any highway when signs or traffic markings give notice that parking or stopping is prohibited.

(F) It shall be unlawful to park any vehicle in a manner other than parallel to the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, and within twelve inches (12") from the curb. Where there is no curb, or the curb is obscured, the right-hand wheels must be as close as practicable to the edge of the right-hand shoulder or snow bank, whichever is nearer to the traffic lane. The vehicle must not obstruct traffic when parked. It shall be unlawful to park any vehicle perpendicular or diagonal to the curb or shoulder of the street.

(Prior Code, § 10.10.030) (Ord. 04-2018, passed 4-18-2018; Ord. 01-2020, passed 1-15-2020; Ord. 16-2020, passed 5-20-2020) Penalty, see § [71.99](#)

71.04 VEHICLES FOR SALE.

It shall be unlawful to park upon a street any vehicle, trailer, or boat to display such object for sale. ~~for 48, or more, consecutive hours, and a~~Any vehicle, ~~trailer or boat~~ so parked or left standing may be impounded or removed by the law enforcement representative of the city.

(Prior Code, § 10.10.040) (Ord. 04-2018, passed 4-18-2018) Penalty, see § [71.99](#)

§ 71.06 SPECIFIC PROHIBITED PARKING; PERMIT.

(A) *Trailers and recreational-type vehicles.* It shall be unlawful for any person to park or leave standing, ~~for 24 hours or more hours at any time,~~ on any public road, street, alley, or city property, any unattached trailer of any type, whether for the occupancy of people, storage of items, or for towing purposes, and whether the same be loaded or not, any boat on an unattached trailer or otherwise, or camper not mounted on a vehicle, any motor home or mini-motor home of any length, and any combination of a pulling or towing vehicle with an attached trailer whether loaded or not; ~~provided, however, that it shall be lawful to park such a combination, or a motor home that is being loaded or is ready for departure, for a period not to exceed 24 hours.~~

(B) *Gross vehicle weight.* Except as provided above, as regards to recreational vehicles, it is further unlawful and an infraction to park in, or on, any such area, city street, or public parking facility, at any time, any vehicle or motor vehicle having a registered gross weight capability of 12,000 pounds or more.

(C) *Time-limited*. It shall further be unlawful for any person to park or leave standing on any public road, street, alley, or city property any motor vehicle for 48, or more, consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the law enforcement representative of the city. For purposes of impoundment and removal, the law enforcement representative of the city may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner, or to any person who claims the impounded motor vehicle.

(D) *Special permit*. For good cause shown and upon application to, and receipt of, a special permit from the law enforcement agency, a person may receive a temporary permit to park a vehicle otherwise prohibited for three days and nights.

(E) *Junk vehicles*. It shall be unlawful for any person or entity to cause or permit junked, wrecked, dismantled, inoperative, discarded, or abandoned vehicles to be on any public road, street, alley, or city property for 24, or more, consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the law enforcement representative of the city. For purposes of impoundment and removal, the law enforcement representative of the city may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for 24 consecutive hours. The cost of impoundment and removal shall be charged to the owner, or to any person who claims the impounded motor vehicle.

(Prior Code, § 10.10.060) (Ord. 04-2018, passed 4-18-2018; Ord. 25-2019, passed 7-17-2019; Ord. 01-2020, passed 1-15-2020; Ord. 15-2020, passed 5-6-2020; Ord. 16-2020, passed 5-20-2020; Ord. 27-2020, passed 7-1-2020) Penalty, see § 71.99

STAFF REPORT

TO: Planning Commission
FROM: Amy Hugie, City Attorney
DATE: September 11, 2024
SUBJECT: Discuss home occupation ordinance requirements



The following staff report discusses the home occupation ordinance and whether to make a change to certain requirements:

Background

West Haven City has had a home occupation ordinance for a number of years. The last amendment was made in 2022. The purpose of the ordinance was to allow City residents to operate small businesses out of their homes, while at the same time maintaining the residential and agricultural quality of the neighborhoods and areas of the City.

In recent years, the City has seen requests for home occupations businesses that may not fit so well in residential and agricultural areas. Some of these have been auto repair. There have been a couple of home occupation businesses for auto repair that have been granted a home occupation with a conditional use permit only to have the City fielding neighbor complaints because the auto repair was not abiding by certain requirements or were causing issues not contemplated in the conditions set by the Planning Commission. As a response to those issues, the Planning Commission formed a committee in 2022 to look at the home occupation section of the City Code and made suggested changes. One of the changes made was in §157.881(C)(2), where it was added,

“(C) The following uses shall not constitute home occupations and shall not be allowed in any residential or agricultural zone: . . .

(2) On lots less than one acre, any business which involves the repair, service, inspection or any type of work on any type of vehicle, motorcycle, automobile or off-highway vehicle, as defined in UCA §41-1a-102.”

Currently, an acre is defined in West Haven as a 43,560 square foot lot.

A resident, Mike Anderson, came to the City Council on August 21, 2024 and spoke during the public comment period. He would like to do a home occupation with vehicle and trailer inspection. However, his lot is only 0.96 (41,817.60 square feet) and there is the requirement that it be a full acre. He requested that the City look at amending the home occupation ordinance to change the requirement of the full acre so that he can apply for this home occupation.

Analysis

The Planning Commission needs to decide whether or not to consider amending the home occupation ordinance. This is a discussion item only. No action can be taken. A copy of the home occupation ordinance has been attached to this staff report.

HOME OCCUPATION

§ 157.880 PURPOSE AND INTENT.

It is the purpose and intent of this subchapter to allow persons residing in dwellings in residential and agricultural areas to provide a service, develop a product for sale and operate certain kinds of small businesses, while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the city.

(Prior Code, § 64.02) (Ord. 2-92, passed - -1992, Ord. 16-2022, passed 8-17-2022)

§ 157.881 USE.

(A) Home occupations shall be allowed as a permitted use in all residential and agricultural zones, provided that the following conditions are met:

- (1) Individuals who own and operate the business must also live at the residence.
- (2) The business employs no more than one employee who does not live at the residence.
- (3) The business does not use any accessory building, garage, yard or space outside the main building not normally associated with residential use.
- (4) The business does not use, produce or store hazardous chemicals, as defined in UCA § 19-6-302.

(5) Provided the above conditions are met, and that the business does not otherwise violate any provision of the West Haven City Zoning Code, a home occupation license shall be issued.

(B) (1) Home occupations which do not meet all of the above criteria may be allowed, but shall be required to apply for a conditional use permit from the Planning Commission.

(2) In reviewing a request for a conditional use permit for a home occupation, the Planning Commission may consider the following factors, and may impose such conditions as necessary and reasonable to offset the potential detrimental impacts as these factors create:

- (a) Will the business produce, or be likely to produce, noise, odors, dust or smoke that extends beyond the property?
- (b) Will the business produce, or be likely to produce, vehicular traffic such that it becomes a nuisance or a hazard?
- (c) If the business uses, produces or stores hazardous chemicals, as defined in UCA § 19-6-302, has a plan been presented which addresses how such chemicals will be used, produced or stored, and is said plan in compliance with all relevant federal, state and local ordinances regarding chemicals?

(C) The following uses shall not constitute home occupations and shall not be allowed in any residential or agricultural zone:

- (1) Any business which requires more than five employees who do not reside at the residence to report to the residence.
- (2) On lots less than one acre, any business which involves the repair, service, inspection or any type of work on any type of vehicle, motorcycle, automobile or off-highway vehicle, as defined in UCA § 41-1a-102.

(3) Any activity that violates existing or criminal codes of West Haven, the State of Utah or the U.S. Government.

(4) Short-term boutiques or group garage sales of personal used items held more than once every three months.

(D) On lots greater than one acre, any business which involves the repair, service, inspection or any type of work on any type of vehicle, motorcycle, automobile, or off-highway vehicle, as defined in UCA § 41-1a-102, may be allowed in residential or agricultural zones, but must comply with the following conditions, along with any other conditions that the Planning Commission feels are necessary based on the circumstances:

(1) Only three cars which are not registered to the homeowner may be parked or stored on the premises at any time.

(2) Any vehicles, motorcycles or cars must have work actively being performed on it and shall not remain on the premises longer than 30 days unless it is stored inside an outbuilding.

(3) The three allowed cars shall be parked in a garage or outbuilding or on a non-permeable surface on the property.

(4) Any on-street parking must comply with West Haven Zoning Code.

(5) The property must be enclosed with a six foot privacy fence which complies with the West Haven fencing regulations, and all business, including the parking and storage of vehicles, motorcycles, automobiles or off-highway vehicles, must be conducted and contained behind the fence.

(E) Regardless of lot size, no home occupation shall be allowed which involves the sale of vehicles, motorcycles, automobiles, or off-highway vehicles, as defined in UCA § 41-1a-102, regardless of whether such requires a dealer's license, as defined by the State of Utah Tax Commission.

(F) Agricultural farming does not require a home occupation business license.

(G) Home occupations shall be required to pay for an annual business license. Approval of the home occupation shall be deemed null and void if the licensee fails to renew the business license, moves from the residence or ceases to operate the home occupation for a period of 12 consecutive months.

(Prior Code, § 64.04) (Ord. 2-92, passed - -1992; Ord. 45-2020, passed 11-18-2020; Ord. 16-2022, passed 8-17-2022) Penalty, see § 157.999

§ 157.882 REQUIRED CONDITIONS.

All home occupations, whether permitted or conditional, shall meet all of the following conditions and requirements:

(A) The occupation shall allow the residence to retain the general character and appearance of the residential dwelling.

(B) The portion of the home occupation shall remain secondary to the residential use of the dwelling.

(C) The business shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(D) Regardless of the business, any homeowner seeking a license for a second home

occupation shall be required to obtain approval from the Planning Commission.

(E) All business-related vehicles must be parked behind the front plane of the home, in a garage or on a non-permeable surface and not on the street.

(F) Any signs related to the home occupation shall comply with the West Haven City sign ordinance.

(Prior Code, § 64.06) (Ord. 2-92, passed - -1992; Ord. 45-2020, passed 11-18-2020; Ord. 16-2022, passed 8-17-2022)

§ 157.883 FEES.

Annual license fees shall be assessed and paid in accordance with the West Haven City fee schedule. If the license has not been renewed prior to or within 60 days of expiration, the license will be terminated and all conditional uses granted will be forfeited, including grandfathered conditional uses.

(Prior Code, § 64.08) (Ord. 2-92, passed - -1992; Ord. 45-2020, passed 11-18-2020; Ord. 16-2022, passed 8-17-2022)