

ORDINANCE NO. 27-2024

AN ORDINANCE OF WEST HAVEN CITY AMENDING THE PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) 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, West Haven City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code in regards to amending the language for §157.430 through and including §157.441 should be made; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of West Haven City, Utah that the following portions of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

- a. § 157.430 through and including §157.441 - “Planned Residential Unit Development (PRUD)” is amended as found in the additions in red and the deletions on the attached Exhibit “A”.**

The forgoing 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conflict, repealed, except that this repeal will not be construed to revive any act, order or resolution, or part.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 18th day of September 2024

WEST HAVEN CITY

Rob Vanderwood
Mayor

ATTEST:

Emily Green, City Recorder

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

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. 27-2024, entitled “AN ORDINANCE OF WEST HAVEN CITY AMENDING THE PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) REQUIREMENTS.”** adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on “September 19, 2024 which appears of record in my office, with the date of posting or publication being September 19, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 19th day of September 2024.

Emily Green
City Recorder

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EXHIBIT “A”

**Exhibit Attached to Ordinance 27-2024
Amendments to §157.430 through and including §157.441 - “Planned Residential Unit
Development (PRUD)”**

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PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

§ 157.430 DEFINITIONS.

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

COMMON OPEN SPACE. Land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, and areas of enjoyment for the residents of the PRUD.

COMMON OPEN SPACE EASEMENT. A required right-of-use granted to the city by the owner of a planned residential unit development on and over land in a planned residential unit development designated as common open space, which easement guarantees to the city that the designated common open space and recreation land is permanently reserved for access, parking, and recreation, and open green space purposes, in accordance with the plans and specifications approved by the Planning Commission and City Council at the time of approval of the PRUD, or as such plans are amended from time to time with the approval of the City Council.

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD). A development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site, building design and location, and housing mix in accordance with an approved plan and imposed general requirements.

SENSITIVE LANDS. Land that has little to no development potential. Sensitive lands can include floodplains or wetlands.

(Prior Code, § 32.02) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.431 PURPOSE AND INTENT.

(A) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas.

(B) To this end, the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located on separate unrelated lots, and shall consist of a "mix" rather than a standardized group of similar housing and building types.

(C) Substantial compliance with the zone regulations and other provisions of this subchapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed without unduly inhibiting the advantages of large-scale planning for residential and related purposes.

(Prior Code, § 32.04) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.432 PERMITTED ZONES.

A planned residential unit development shall be permitted as a conditional use in all ~~Agricultural and Residential Zones~~ **A-1, A-2, R-1, R-2, and R-2.5**, and not withstanding any other provisions of this subchapter, the provisions as hereinafter set forth shall be applicable if any conflict exists. **Clustering of homes is allowed within a PRUD Subdivision.**

(Prior Code, § 32.06) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.433 USE REQUIREMENTS.

(A) An overall development plan and **master development agreement** for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common open spaces, and the like may be approved by the Planning Commission and City Council, and building permits issued in accordance with such plan, even though the residential uses and dwelling types, and the location of the buildings proposed, may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed; provided the requirements of this chapter are complied with. Accessory non-residential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the Planning Commission; provided, agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics, and physical design to the city's satisfaction are filed by, and entered into by, the developer to assure that the approved necessary service's intent is maintained.

(B) Once the overall development plan showing details of buildings, structures, and uses has been approved **according to the subdivision ordinance**, ~~by the City Council after recommendations of the Planning Commission~~, no changes or alterations to said development plans or uses shall be made without first obtaining the approval of the Planning Commission and City Council.

~~—(C) Any housing units to be developed or used for timeshare condominiums, rental apartments, lockout sleeping rooms for nightly rentals, and the like shall be declared and designated on the site development plan.~~

(Prior Code, § 32.08) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.434 AREA REGULATIONS.

- (A) A PRUD shall contain a minimum area of ten acres and consist of a least 24 housing units in all Agricultural Zones, and contain a minimum area of four acres in all qualified Residential Zones.
- (B) A PRUD shall require a minimum of 20% of the gross site as open space. A completed plan showing landscaping, amenities, and maintenance information is required at preliminary approval. Common space and recreational areas should be the focal point for the overall design of the development and easily accessible to pedestrians.
1. Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets. Additionally, required open space shall not include:
 1. Area between buildings
 2. Front, rear, and side yard setbacks or any area within a residential lot
 3. Paved areas such as driveways and private sidewalks.
 2. The open space may include walking pathways, park benches, playground equipment, sport courts, picnic areas, covered pavilions, gardens, and shade trees. Any proposed building within the open space shall not be used as a residence.
 3. Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan approved by the Planning Commission and City Council. The landscaping plan must comply with the landscaping ordinance as outlined in 157.985-157.999.
 1. To ensure that the recreation and/or open space parcels are permanently reserved and maintained, the city shall require appropriate covenants and agreements restricting the land perpetually as open space for common use and for permanent maintenance of such areas by a Homeowners' Association.
 2. Any open space that is being considered to be deeded to the city shall meet all set requirements outlined by the Parks and Recreation Department and be approved by City Council. One of the requirements shall be a contiguous area of 7 acres of area to be used as open space excluding any additional parking area for the open space.
- (C) The basic number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same in which the PRUD is located. The lot area may be reduced to match the Clustering Subdivision ordinance. Land used for schools, churches, other non-residential service-type buildings, and designated open space and uses for streets and exclusively for access to the useable area of a PRUD, shall not be included in the area for determining the number of allowable dwelling units. The density shall be calculated on the gross area of the site, but shall not include sensitive lands or any land within the powerline easement. Sensitive lands are defined as having little to no development potential. Sensitive lands can include floodplains or wetlands.

(D) The basic number of dwelling units in a PRUD may be increased by up to 20% above the base density if the Planning Commission and City Council, in their judgment, determines that the concept, site layout and design, the residential groupings, and the aesthetic and landscaping proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process. It will be up to Planning Commission and City Council to choose to

(E) The following is required for the additional density:

1. Enhanced landscaping

- i. Landscape includes one (1) 2-inch caliper tree per unit planted within the park strip to create neighborhood identity.
- ii. At least 40% of the open space shall include xeriscape, native plants, and/or any type of water-wise landscape.

2. Upgraded Fencing

- i. Fencing must be upgraded from chain link. Upgraded fencing may include white 3-rail fencing, vinyl or brick.

3. Architecture

- i. All units shall feature a front porch or balcony with sufficient space for two seats and a walkway.
- ii. Architectural variation between each household is required.
- iii. Duplicating building facades on the same side of the street shall not be allowed more than every fourth building.

4. Moderate Income Housing Restriction

- i. At least 10% of the development shall be dedicated to moderate income housing ownership and shall follow the Utah State Code §10-9a-103(39) definition, and as amended, as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located. The homes shall be deed restricted for a minimum of ten (10) years. The master development agreement shall have a section dedicated to this requirement.

5. Any additional requirements that the Planning Commission and City Council see fit may be added.

6. The applicant may choose to do all of the above requirements or propose any other amenity approved by Planning Commission and City Council.

(E) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone; however, the units allowed in each zone must be constructed in the respective zone.

(F) (1) ~~It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what city development ordinances would normally allow by requesting~~ **The city shall not allow** housing unit credit and transfer for lands to be included in the PRUD boundary as **being used as** common open spaces which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, and mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, and the like. Therefore, the Planning Commission shall determine what part, if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD, and when such determination justifies such inclusion, the Planning Commission shall allow the transfer of units.

~~(2) In making this determination, the Planning Commission shall be guided by the following factors:~~

~~(a) The physical relationship of the proposed common areas to the developable area of the PRUD shall be such that the common areas are suitable for landscaping and/or developed open space, or for recreational uses of direct benefit, access, and use ability to the unit owners;~~

~~(b) The lands shall contribute to the actual quality, livability, and aesthetics of the PRUD and shall be physically integrated into the development design; and~~

~~(c) The lands must be suitable for, and possess the capability for, housing development.~~

(Prior Code, § 32.10) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.435 GENERAL REQUIREMENTS.

(A) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.

(B) The property adjacent to the planned residential unit development shall not be adversely affected, and to this end the Planning Commission may require, in the absence of appropriate physical boundaries, that uses of least intensity or greatest compatibility be arranged around the boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.

(C) Building uses, building locations, lot area, width, yard, height, and coverage regulations proposed shall be determined acceptable by approval of the site development plan and **included in the required master development agreement. All proposed roads**

within the development shall follow the subdivision ordinance and the West Haven Public Works Standards.

(D) There must be a minimum of 25' setback from the property line to the garage and the width must be equivalent to the width of the garage structure. The interior of the garage must provide at least 180 square feet for each car parking inside.

(F) All parking must comply with the requirements set in the Parking Ordinance (157.631-157.640). All guest parking must be evenly distributed throughout the development.

(G) Any proposed fencing shall comply with section 157.600 under Supplementary and Qualifying Regulations. Any additional height desired for the fencing must be approved by Planning Commission.

(G) The City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance, and ownership of the common open space utilizing, at the city's option, one of the following methods:

(1) Dedication of the land as a public park or parkway system ~~if it is seen appropriate by the Parks and Recreation Director;~~

(2) Granting to the city a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation, or open space uses, with ownership and maintenance being the responsibility of a Homeowners' Association established with articles of association and bylaws which are satisfactory to the city; or

(3) Complying with the provisions of the Condominium Ownership Act, UCA Title 57, Chapter 8, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

(H) Recreation uses and facilities may be developed within the common open space areas in compliance with the recreation and landscaping plan being as part of the approved final level development plan of the PRUD.

(I) The developer shall be required to provide a surety by ~~cash bond,~~ escrow, or bank letter of ~~line of credit~~ in an amount determined by the City Engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof ~~along with a one year warranty amount.~~ When completed in accordance with the approved plan, the ~~bond surety~~ shall be released, ~~except for the warranty amount.~~

(J) If uncompleted at the end of two years, the city will review the progress and may proceed to use the ~~bond surety~~ funds to make the improvements to the open space areas in accordance with the approved plan. The ~~bond~~ shall be approved by the ~~City Council~~ City Manager and shall be filed with the City Recorder. If the second or third methods, as set forth above, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the city may, at its option, do or contract to have done the required maintenance, and shall assess ratable the open space

and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the City Recorder, or the city may bring suit to collect the maintenance fees together with reasonable attorney's fees and costs.

(K) If the planned residential unit development, or phase thereof, is to be subsequently divided as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a subdivision.

(L) The area shall be adaptable to a unit-type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.

(M) All proposed residential developments, with the exception of normal land subdivisions, within the city equal to, or in excess of, the minimum area requirements for a PRUD as set forth in § 157.434 shall comply with the provisions of this subchapter and be developed as a planned residential unit development.

(Prior Code, § 32.12) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

(Prior Code, § 32.16) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

~~§ 157.439 PLANNING COMMISSION ACTION.~~

~~—The Planning Commission, subject to the requirements of this subchapter, may recommend approval or denial with conditions of the PRUD to the City Council.~~

(Prior Code, § 32.18) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.436 BUILDING PERMIT ISSUANCE.

The Building Inspector shall not issue any permit for any proposed building structure or use within the project unless such building, structure, or use is conditionally imposed. Approved development plans shall be filed with the Planning Commission, Building Inspector, and City Engineer.

(Prior Code, § 32.22) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.437 TIME LIMIT.

(A) Unless there is substantial action leading toward completion of a PRUD, or an approved phase thereof, within a period of 18 months from the date of approval, as determined by the City Council, such approval shall expire unless, after reconsideration of the progress of the project, an extension is approved.

(B) Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located.

(C) Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project.

(Prior Code, § 32.24) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.438 SUBMISSION OF APPLICATION.

(A) An application for a planned residential unit development shall be **submitted** to the Planning Commission **and City Council** and shall be accompanied by an overall development plan showing uses, dimensions, and locations of proposed structures, areas reserved for public uses, such as schools and playgrounds, landscaping, recreational facilities and open spaces, areas reserved, and proposals for, accommodating vehicular and pedestrian circulations, parking, and the like, development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(B) Such other information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Prior Code, § 32.14) (Ord. 05-09, passed - -; Ord. 2-92, passed - -1992)

§ 157.439 PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION AND ACTION.

In considering the proposed planned residential unit development, the Planning Commission **and City Council** shall consider:

(A) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal;

(B) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation, and off-street parking;

(C) The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings;

(D) The size, location, design, and nature of signs, if any, and the intensity and direction of the area of floodlighting;

(E) The residential density of the proposed development, the amount of housing "mix," and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or master plan proposals of the city as being a desirable future residential density; and

1. The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established

(F) In approving an application, the City Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this subchapter. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the one in which it is proposed.

~~§ 157.437 CITY COUNCIL ACTION.~~

~~The City Council, after holding a public hearing thereon, may approve or disapprove the application for a PRUD. In approving an application, the City Council may attach such conditions, including a limitation of time during which the permit remains valid, as it may deem necessary to secure the purposes of this subchapter. Approval of the City Council, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the one in which it is proposed.~~

~~(Prior Code, § 32.20) (Ord. 05-09, passed ---; Ord. 2-92, passed ---1992)~~

§ 155.440 PROCEDURES FOR PROCESSING A PLANNED RESIDENTIAL UNIT DEVELOPMENT.

- (H) Application Conference. Prior to applying for a PRUD, the applicant shall arrange for and attend a meeting with planning, engineering staff, parks and recreation and fire department. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data.
- (I) Concept Plan. The plan should include the following: overall density ranges, general location of all proposed structures, their types, general location of streets, paths and open space, exterior design, any additional special features, and approximate phasing of the development. Planning Commission and City Council shall consider, but are not limited to, the following criteria for a PRUD:
 - a. Degree of consistency of the proposed PRUD with the surrounding area in terms of character and density.
 - b. The nature, intent, and compatibility of the required common open space, including the proposed method of maintenance and conservation.
 - c. The feasibility of the specified stages contained in the preliminary development plan to exist as an independent development.

d. The benefits of the development to the general public and/or any reasoning for the added density.

(J) Preliminary Approval and Master Development Agreement (MDA). After receiving approval of the concept plan, the rest of the checklist for preliminary approval shall be completed and an MDA shall be drafted and reviewed by planning staff and the City Attorney. After that review, the MDA will be noticed up for public hearing and it will be reviewed by Planning Commission in which they will give a motion to City Council. City Council is the legislative body that may approve the MDA.

(K) Final Plan. Following approval of the concept plan and MDA, the applicant shall receive a checklist with all necessary items needed to get final approval. Items include obtaining a Geotech report, prepare the final civil drawings, receive final engineering review, fire review, and get all necessary will-serve letters. Engineering staff may require a traffic report and if applicable UDOT approval shall be required. The application shall proceed and be acted upon in accordance with the procedures in the subdivision ordinance.

157.441 MASTER DEVELOPMENT AGREEMENT REQUIREMENTS (MDA).

(A) Subdivision ordinance requirements shall apply to all subdivisions. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with City ordinances and standards with approval from the City Council. The property shall be developed in accordance with the development agreement, and current City ordinances, including the development requirements as identified within this chapter.

(B) The MDA for review shall include, but is not limited to, the following:

1. A legal description of the land subject to the agreement and the names of the legal and equitable owners;
2. A general description of the development, the development uses permitted on the land including proposed densities, and building uses and height, and a description of the impacts and benefits of the development;
3. A description of the public facilities that will service the development, including those that are to be dedicated, constructed or financed by the developer;
4. The date construction of such new facilities will be completed and operation of such facilities will begin;
5. Descriptions of all proposed phases;
6. A schedule to assure public facilities are available concurrent with impacts of the development;
7. A description of any reservations or dedications of land for public purpose;

8. A description of all local development permits approved or needed to be approved for the development of the land;
9. A provision that all public facilities to be provided by the Applicant will be constructed or bonded prior to the issuance of a building permit for all or any portion of the proposed development; and
10. Such other provisions as are determined by the City to be necessary for the public health, safety, or welfare. The Development Agreement is subject to the approval of City Council as part of the approval process. The applicant shall record the development agreement in the Weber County Recorder's Office.

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