



## WEST HAVEN PLANNING COMMISSION AGENDA

February 25, 2026 6:00 P.M.  
City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **Wednesday, February 25, 2026**, THE PLANNING COMMISSION OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS:

JOIN US DIGITALLY FOR THE REGULAR PLANNING MEETING AT:  
[HTTPS://US06WEB.ZOOM.US/J/86539464549](https://us06web.zoom.us/j/86539464549).

WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCEEQNQBTFZJWTGOPHMCNCBA](https://www.youtube.com/channel/UCEEQNQBTFZJWTGOPHMCNCBA).

### **6:00 Regular Planning Commission Meeting**

1. **MEETING CALLED TO ORDER:** Chairman Reed
2. **OPENING CEREMONIES**
  - a. **PLEDGE OF ALLEGIANCE** Commission member Stimpson
  - b. **PRAYER/MOMENT OF SILENCE** Vice-Chairman Reyna
3. **ACTION ON MINUTES** - Approve minutes for the meeting of 02/11/2026.
4. **REPORTS** - Actions taken by City Council and other items
5. **PRESENTATION ON PUBLIC HEARING** - To solicit public input on the proposed amendments to the Sign Regulations Ordinance § 157.755-§ 157.761.
6. **PUBLIC HEARING** - To solicit public input on the proposed amendments to the Sign Regulations Ordinance § 157.755-§ 157.761.
7. **DISCUSSION AND ACTION ON PUBLIC HEARING** - To consider a recommendation to City Council on the proposed amendments to the Sign Regulation Ordinance § 157.755-§ 157.761.
8. **DISCUSSION AND ACTION** – To consider a Preliminary Site Plan approval for a Tire Sales and Service located at approximately 3645 S Midland Drive (Parcel #080220101 & 080220104). Applicant Denny Kiely.
9. **DISCUSSION AND ACTION** – For a Conditional Use Permit for a home occupation located at 4267 S 3450 W. (Parcel # 084520012). Applicant Russell Burton.
10. **DISCUSSION AND ACTION** – To consider adoption and a recommendation to the City Council on amending the Planning Commission Policies and Procedures.
11. **ADJOURNMENT**

#### **Rules Governing Public Hearings**

- Each speaker will be limited to a single opportunity to speak and shall direct comments only to the Commission.
- Such opportunity may not exceed two (2) minutes, as has been determined by the Chair, as outlined in Resolution 28-2021
- In accordance with Resolution 28-2021, the Chair may refuse to recognize or may exclude from the public hearing anyone who:
  - o Is disorderly, abusive, or disruptive;
  - o Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;
  - o Comments without first receiving recognition from the Chair and stating his/her full name and residence; or
  - o Presents irrelevant, immaterial, or repetitious evidence.
- Comments and questions raised by speakers will not be addressed or answered by Staff or Commissioners during the hearing but will be addressed upon conclusion and closure of the hearing.

*Robyn Van Campen*

**Robyn Van Campen, City 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: [robynv@westhavenut.gov](mailto:robynv@westhavenut.gov) 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 [www.westhavenut.gov](http://www.westhavenut.gov); 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



## WEST HAVEN PLANNING COMMISSION MEETING MINUTES

**February 11, 2026 6:00 PM**  
 City Council Chambers  
 4150 South 3900 West, West Haven, UT 84401

Present:	
Jeff Reed Andrew Reyna Melinda Stimpson (via Zoom) George LaMar (via Zoom) Linda Smith Jennifer Streker James Jenson Stephen Nelson Damian Rodriguez Amy Hugie Robyn VanCampen	Chairman Vice-Chairman Commission member Commission member Commission member Commission member Community Development Director Planner City Attorney Deputy Recorder
Absent/Excused	

### **6:00 Regular Planning Commission Meeting**

1.     **MEETING CALLED TO ORDER:**                     The meeting was called to order by Chairman Reed at 6:02 PM.
  
2.     **OPENING CEREMONIES**
  - a. **PLEDGE OF ALLEGIANCE**                             Commission member Streker
  
  - b. **PRAYER/MOMENT OF SILENCE**                     Commission member Jenson
  
3.     **ACTION ON MINUTES –**                             Approve minutes for the Meeting of 01/14/2026  
        *Chairman Reed advised that the date at the top of the minutes needed to be changed from 2025 to 2026.*

**Commission member Streker made a motion to approve** the minutes from the meeting January 14, 2026. **Vice-Chairman Reyna** seconded the motion.

**AYES –** Chair Reed, Commission member Stimpson, Commission member LaMar, Commission member Smith, Commission member Streker, and Commission member Jenson.

**NAYS –**

**RECUSED –**

4.     **REPORTS –** Actions taken by City Council on Planning Commission  
        *Stephen Nelson reported to the commissioners that the Storage Facility Ordinance was approved by the City Council. The council made the following changes to the ordinance: Indoor storage facilities will have normal setbacks; outdoor storage facilities will have a 250-foot setback; indoor storage facilities will require 20% of the façade to be glass; the façade must face the public right away; and a minimum of 2 stories is required. These requirements will meet the M-1 standards.*

City Council denied the General Plan amendment, citing the same reasons the Planning Commission gave previously.

General Plan Open House will be February 24, 2026, at The Barn at Green Farms.

**5. PRESENTATION ON PUBLIC HEARING** - To solicit public input on the proposed 3<sup>rd</sup> Amendment to the Staker Farms Master Development Agreement.

Stephen Nelson gave a brief overview of the applicant's request. Staker Farms is a development located at approximately 3500 W & 2800 S. The entire development is zoned R-1, but it is controlled by a development agreement. The council allowed the applicant to develop under an R-2 standards, with the dedication of a park and open space. There have been 2 previous amendments addressing park space amenities and facilities. Under the initial development agreement, there is a note within the preliminary plat and site plan that provides different setbacks within it. The setbacks in the graph below were approved for the phase 1 plat but not recorded. Phases 2 and 3 have those restrictions recorded.

On June 19, 2019, the Staker Farm MDA was approved, but it was not signed until almost a year later. On May 5, 2020, the Staker Farm Phase 1 plat was approved. Then, on May 20, 2020, the ordinance 20-2020 was adopted, which updated the R-1 zoning standards, including setbacks. Staff could not confirm what the R-1 setbacks were previously, but the council purposely reduced the R-1 setbacks to match what was approved in the R-2 zone. In July 2020, the Staker Farms master development agreement was signed. On January 13, 2022, Staker Farms Phase 2 was recorded, and on August 2, 2022, Staker Farms Phase 3 was recorded. Both of those had the current setbacks listed on them.

The applicant came in with a building permit with a property that had the standard R-1 setbacks on it, the permit was denied due to it not meeting the setbacks, which triggered this discussion.

The applicant is seeking to amend the development agreement for the undeveloped properties within Staker Farms Subdivision Phases 2-4. The setback requirements would match what the R-1 setback are currently. The applicant provided staff with a draft development agreement. The proposed changes would apply to all undeveloped lots in phases 2, 3, and future phase 4. The lots in Staker Farms tend to be a little smaller than the R-1 zone because of the terms of the agreement. The lot size and frontage are more closely aligned with the R-2 zone. The reduced setbacks will likely lead to slightly larger homes and a little less yard space; however, the setback requirements will be identical to the R-1 and R-2 zones as they currently are. Staff has reviewed the language of the development agreement and confirmed it meets our requirements.

	MDA Setbacks	Current R-1 Zones
Front	25 Feet	25 feet garage, 20 feet home
Side	10 Feet	8 Feet
Side-Street	20 Feet	20 Feet
Rear	30 Feet	22 Feet

Commission member LaMar stated that in Stephen Nelson's description he mentioned that it was developed under the R-1 standard although it was more closely aligned with R-2.

Stephen Nelson advised it is an R-1 zone but the development agreement lot sizes are the same as the R-2 zone.

Commission member LaMar clarified with Amy Hugie that when we enter into a master development agreement, if a zone is not specified or referenced, then the master development agreement becomes a standalone ordinance.

Amy Hugie confirmed it will become a standalone ordinance.

Commission member LaMar said traditionally when the city enters into a master development agreement there is a mutual benefit, in this case there was about 7 acres that was dedicated to a park and the city committed to return the parks and recreation impact fees.

Amy Hugie stated in the master development agreement section 2.1 subsection 2.1.2c it says "The city is to contribute park impact fees for 125 lots at the time of the park being started".

Stephen Nelson said typically if the development agreement is silent on a matter normally the underlying land-use regulations apply.

Chairman Reed stated that there are a few lots that meet the R-1 zone, but most do not.

Mike Bastian said this is to clarify the master development agreement. Building plans that were submitted to the city have 8' side yards that match the R-1 setbacks. All the lots that have been built with the current R-1 setbacks. He said he wanted to see whether or not the current R-1 setbacks need to be followed or the previous R-1 setbacks.

Chairman Reed wanted to know how they got those 8 approved.

Stephen Nelson mentioned that there was a change in staff, and there was a time we didn't have anyone looking over site plans.

Chairman Reed asked if the reduced setbacks will increase the amount of homes.

Mike Bastian confirmed there will not be a change in the number of lots. This change would allow for RV pads or homes one foot wider.

6. **PUBLIC HEARING** – To solicit public input on the proposed 3<sup>rd</sup> Amendment to the Staker Farms Master Development Agreement.

**Vice-Chairman Reyna made a motion to Enter into Public Hearing. Commission member Smith** seconded the motion.

**AYES** – Chair Reed, Vice-Chair Reyna, Commission member Stimpson, Commission member LaMar, Commission member Smith, Commission member Streker, and Commission member Jensen

**NAYS** –

**RECUSED** –

**Chairman Reed referenced the Rules Governing Public Hearings and invited the public up for comment.**

**No one came up at this time.**

**Commission member Smith made a motion to Leave Public Hearing. Commission member Streker** seconded the motion.

**AYES** – Chair Reed, Vice-Chair Reyna, Commission member Stimpson, Commission member LaMar, Commission member Smith, Commission member Streker, and Commission member Jensen.

**NAYS** –

**RECUSED** –

7. **DISCUSSION AND ACTION ON PUBLIC HEARING** - To solicit public input on the proposed 3<sup>rd</sup> Amendment to the Staker Farms Master Development Agreement.

**Commission member Streker made a motion to recommend to the City Council to Approve** the Staker Farms 3<sup>rd</sup> Amendment, finding that the changes are consistent with the underlying zone and the city staff and attorney have reviewed and made appropriate changes to the proposal. **Vice-Chairman Reyna** seconded the motion.

**AYES** – Chair Reed, Vice-Chair Reyna, Commission member Stimpson, Commission member Smith, Commission member Streker, and Commission member Jenson

**NAYS** – Commission member LaMar

**RECUSED** –

8. **DISCUSSION (NO ACTION) -**

- A. Discussion on Planned Commercial Center and Sign Ordinance Update.

*Stephen Nelson went over the changes on the draft of the ordinance with input from staff and the Planning Commission. After reviewing the final revision and make the last few changes, he asked if Planning Commission was ready to schedule a Public Hearing for the Sign Ordinance Amendment.*

*Planning Commission agreed they are ready to schedule a Public Hearing for the Sign Ordinance Amendment.*

- B. Planning Commission's Policies and Procedures.

*Stephen Nelson and Planning Commission went through the Policies and Procedures to brainstorm changes that are being proposed or changes they would like to see.*

- C. Parks Master Plan Scope

*Stephen Nelson advised the Planning Commission that this year the City Council budgeted money to create a Parks Master Plan. The city has consulted with Landmark Design to create a scope of work. City staff had a discussion. with Landmark Designs about budget limitations. This will need to be approved by City Council because of the cost. He wanted to introduce this to the Planning Commission and see if they had any feedback to share when creating the scope of work.*

10. **ADJOURNMENT**

**Commission member Vice-Chair Reyna made a motion to adjourn at 7:24 PM. Chairman Reed** seconded the motion.

**AYES** – Chair Reed, Vice-Chair Reyna, Commission member Stimpson, Commission member LaMar, Commission member Smith, Commission member Streker, and Commission Jenson

**NAYS** –

**RECUSED** -

*Robyn VanCampen*

Deputy City Recorder

Date Approved:

# Planning Commission Staff Review Memo

February 25, 2026

Stephen Nelson, Community Development Director



## ZONING ORDINANCE AMENDMENT

<b>Proposal:</b>	Update Planned Commercial Sign Standards
<b>Ordinance Section:</b>	Sign Regulation Ordinance § 157.755-§ 157.761
<b>Applicant:</b>	The West Haven City Development Review Committee
<b>Decision Type:</b>	Legislative
<b>Staff Recommendation:</b>	Provide feedback on the draft.

### I. BACKGROUND

The goal of this proposal is to allow for larger, but fewer signs within Planned Commercial Centers. The ordinance is written to encourage multi-tenant commercial development to combine signs at key areas within a large commercial development.

**Issue:** The main issue we are trying to address is allowing larger, fewer signs in larger commercial development areas. Right now, a developer can have only a pole and/or monument sign, with a maximum size of 80 sq. ft. Each commercial property can have one or more, depending on its frontage.

**Change:** This proposal does a couple of things.

- 1) It redefines what a Planned Commercial Center is in the sign code.
- 2) It created a section of code that creates standards for these centers.
- 3) It allows monument signs to be up to 120 sq. ft. and pole signs to be 200 sq. ft., but up to 250 sq. ft. if the sign states that the development is located within West Haven. Walmart's current proposed sign is 250 sq. ft
- 4) It allows pole signs to increase in height to 30'.
- 5) Added language clarifying that a violation of the sign ordinance is a Class C misdemeanor.
- 6) Removes the word "Small" from the Planned Commercial Center Definition
- 7) Reduce the setbacks for pole signs within these centers
- 8) Requires that all property owners within PCC approval sign off on the signage plan.

## **II. Staff Recommendation**

Staff recommends that the Planning Commission review and discuss the proposed draft. Consider the possible interpretations and implications of the changes for the City. If there are additional changes, provide feedback to staff and recommend appropriate alterations to the draft. If no changes are needed, the staff recommends that the Planning Commission recommend approval to the City Council.

**Approval:** Motion that the Planning Commission recommend **approval** of the proposed changes to the Sign Regulations contained within West Haven City Code § 157.755-§ 157.761, as provided.

**Approval with Conditions:** Motion that the Planning Commission recommend **approval** of the proposed changes to the Sign Regulations contained within West Haven City Code § 157.755-§ 157.761, as provided, with the following **conditions/amendments**:

[insert conditions or amendments]

**Table:** Motion that the Planning Commission **table** discussion and consideration of the proposed changes to the Sign Regulations contained within West Haven City Code § 157.755-§ 157.761, as provided.

[insert conditions or amendments]

**Deny:** Motion that the Planning Commission recommend to **deny** the proposed changes to the Sign Regulations contained within West Haven City Code § 157.755-§ 157.761, as provided.

# West Haven Sign Policy

Planned Commercial Developments and Their Signs

Planning Commission 2.11.2026

Acres: 36+

Total Frontage: 2,400 Ft

1 sign for every 300 ft of frontage



Lowe's Home Improvement

Kohl's

1792 W 1800 N

MARVINS





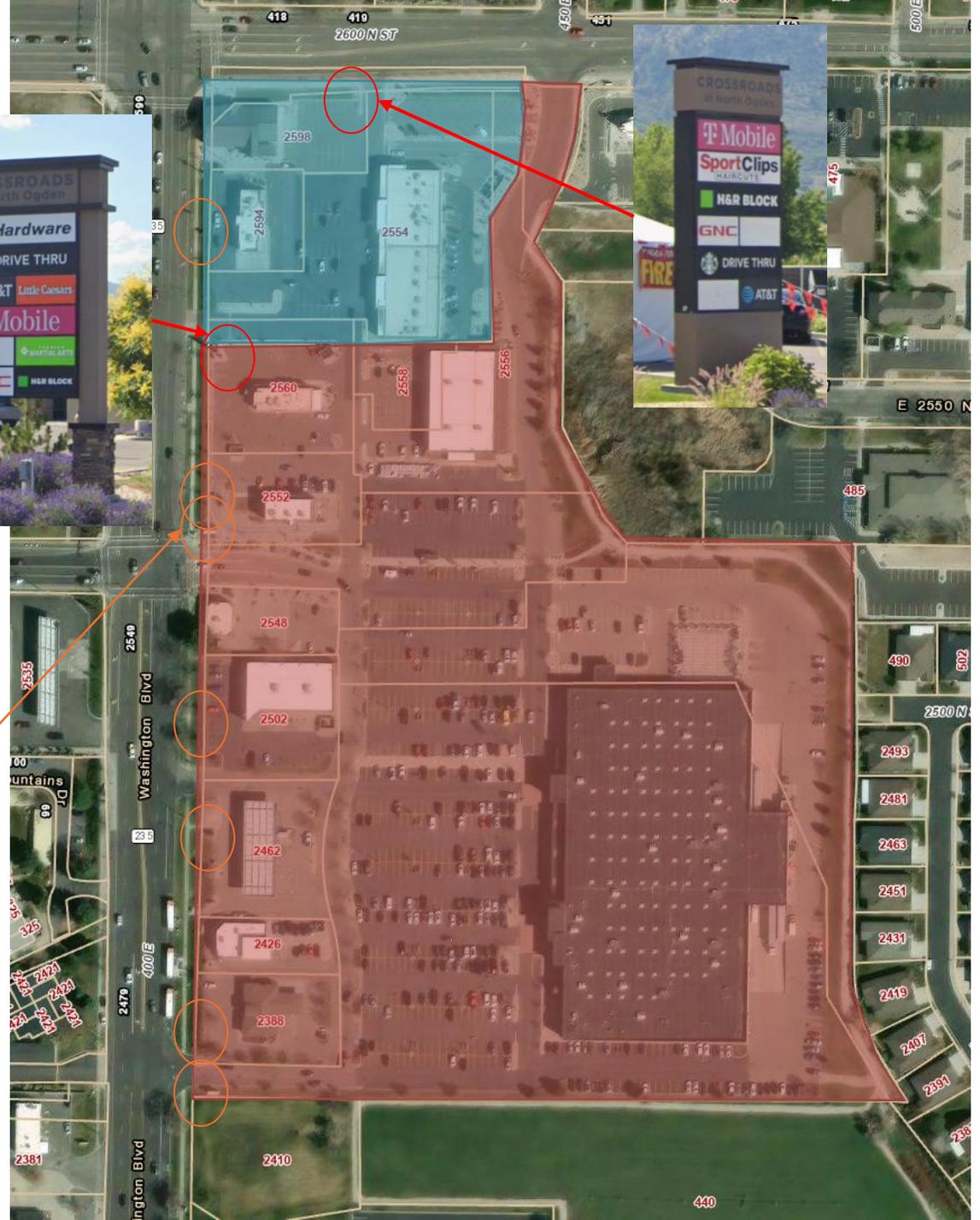
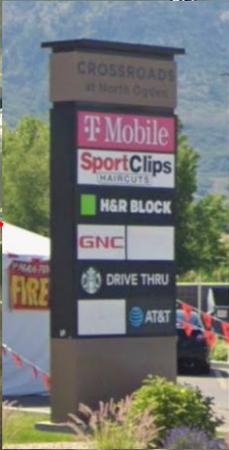
Acres: 37+, but multiple developments  
Total Frontage: 2,400 Ft







Total Combine  
Frontage: 1800+ and  
800 ft.  
Total Combine Acres:  
18.3 and 3+  
  
1 sign for every 289 ft  
of frontage





Measurement



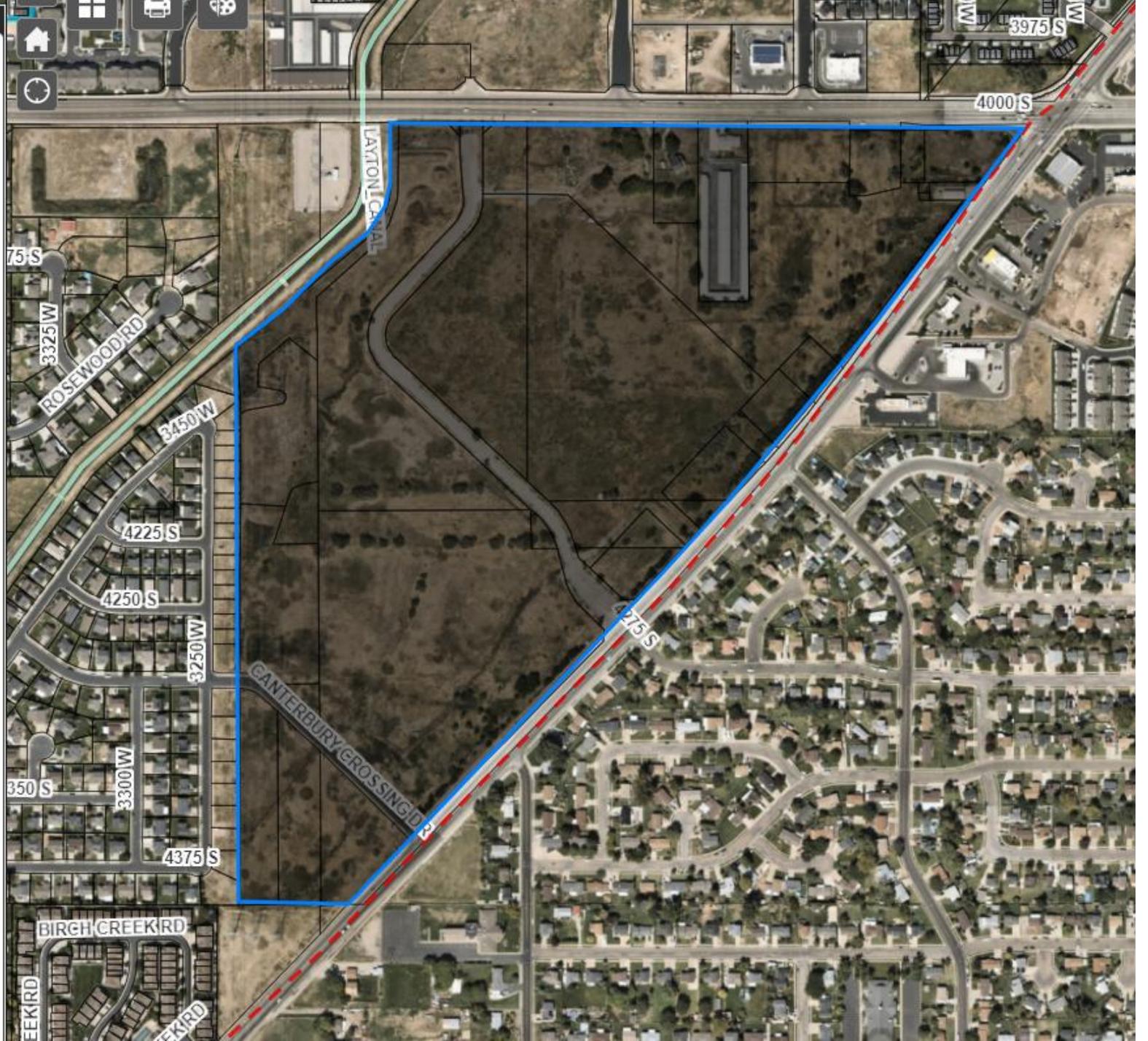
| Acres ▾

Measurement Result

86.7 Acres

Clear

Press CTRL to enable snapping





### Current Code Sign Placement Allowance

\*This approximates what could be allowed and is not intended to represent an application or desire of a property owner. This map is intended as an example only.

\*It is also worth noting that some properties may choose to do both a pole and a monument sign, which is allowed.

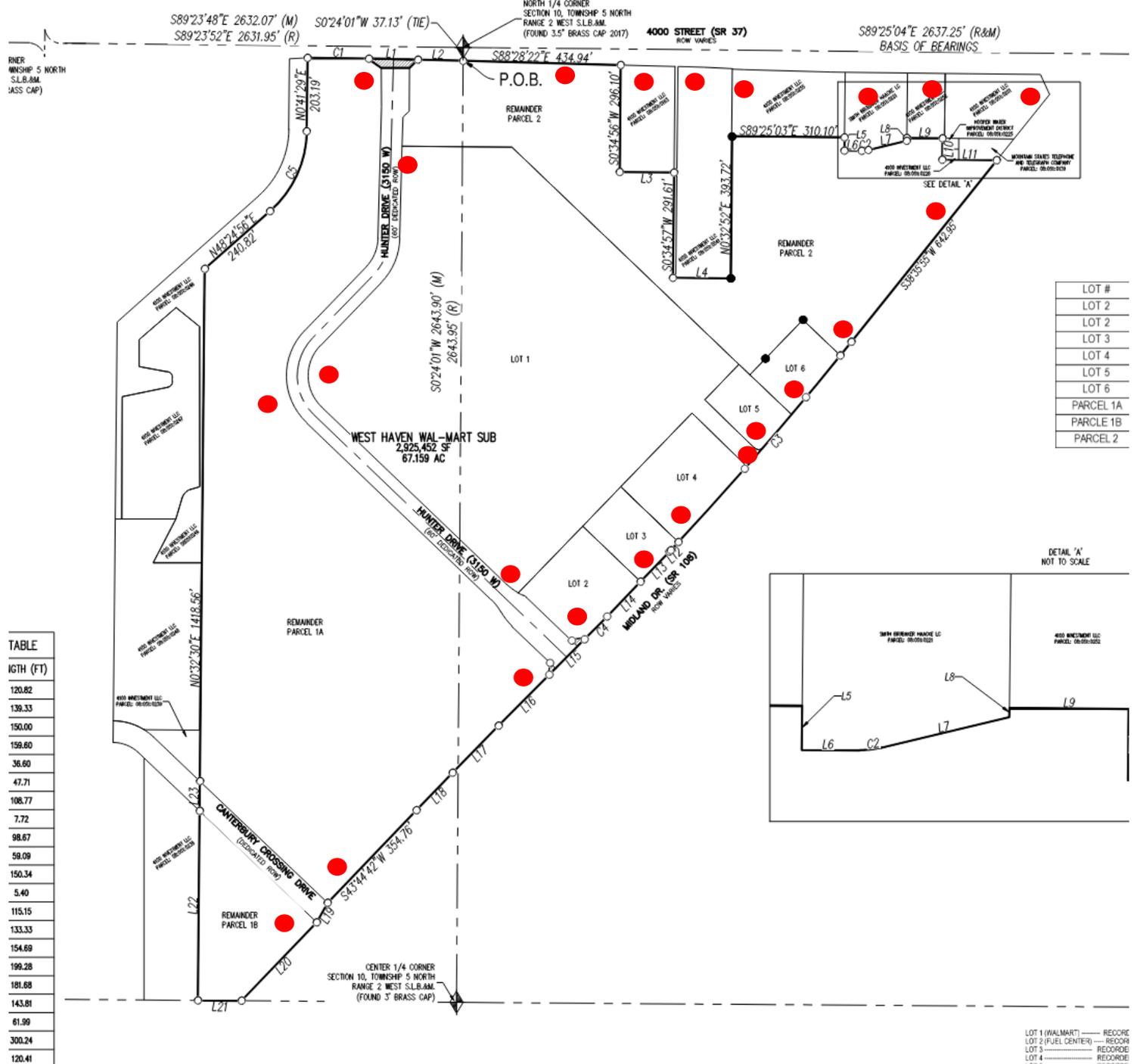


TABLE
LGTH (FT)
120.82
136.33
150.00
159.60
36.60
47.71
108.77
7.72
98.67
59.09
150.34
5.40
115.15
133.33
154.69
199.28
181.68
143.81
61.99
300.24
120.41

LOT #
LOT 2
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
PARCEL 1A
PARCEL 1B
PARCEL 2

LOT 1 (WALMART) ——— RECORD  
 LOT 2 (FUEL CENTER) ——— RECORD  
 LOT 3 ——— RECORD  
 LOT 4 ——— RECORD  
 LOT 5 ——— RECORD

Proposed Code Sign Placement Allowance if the full area is to be developed as a Planned Commercial Center.

\*This approximates what could be allowed under the current draft and is not intended to represent an application or desire of a property. This map is intended as an example only.

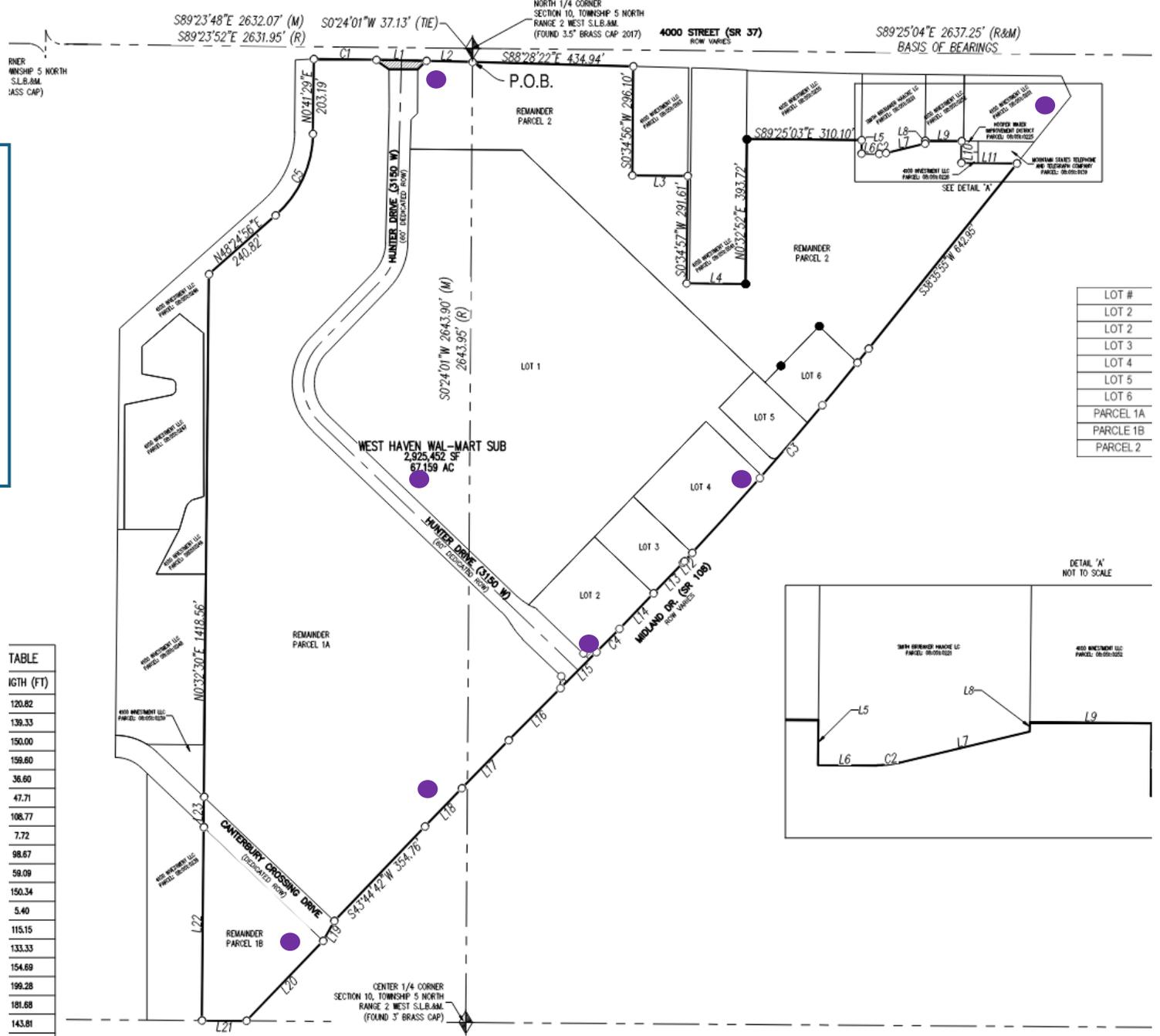
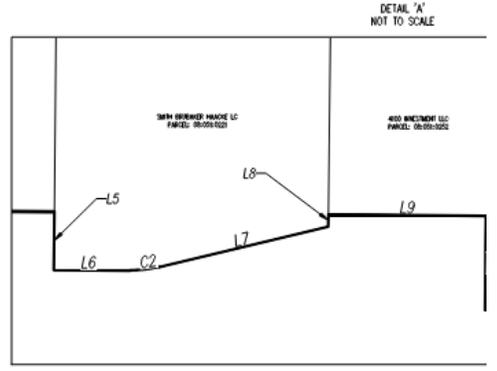


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120.41

LOT #
LOT 2
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
PARCEL 1A
PARCEL 1B
PARCEL 2



LOT 1 (WALMART) — RECORDED  
 LOT 2 (FUEL CENTER) — RECORDED  
 LOT 3 — RECORDED  
 LOT 4 — RECORDED  
 LOT 5 — RECORDED

## **SIGN REGULATIONS**

### **§ 157.755 PURPOSE AND INTENT.**

(A) It is the purpose of this subchapter to regulate the design, placement, and use of signs within the city, and to authorize the compatible uses of such signs. Such regulations may include design, location, size, type, safety impacts, and aesthetics, and other such standards as may be outlined in this subchapter. By doing so, the city will promote both short- and long-term civic beauty, as well as encourage public order.

(B) For large-scale (ten acres or more) commercial developments, it is the purpose of this subchapter to facilitate a cohesive design of signs within the development in order to preserve and protect the aesthetics of the development and the surrounding streetscape.

(C) It is not the intent of this subchapter to regulate the content of public speech. The regulations of this subchapter are intended to apply to both on-premises and off-premises signs, but do not apply to handheld placards and other similar devices traditionally used for public protest and the exercise of free speech.

(D) In interpreting and applying this subchapter, the rules, regulations, and terms contained herein shall be construed to the most restrictive meaning possible.

(E) Any sign not specifically permitted by this subchapter is prohibited.

(Prior Code, § 56.02) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023)

### **§ 157.756 ENFORCEMENT; APPEALS.**

The City Community Development Director, or his or her designee, is hereby vested with all duties and powers necessary to enforce this subchapter. Such powers and duties include the power to:

(A) Issue permits for construction, repair, and/or alteration of all signs regulated by this subchapter;

(B) Ascertain that all sign construction, repair, and/or alteration is done in compliance with applicable federal, state, and local building codes and other relevant regulations;

(C) Conduct any and all inspections and re-inspections during the construction, repair, and/or alteration process as may be necessary to determine compliance with this subchapter;

(D) Require changes to the construction, repair, and/or alteration of a sign when such sign is found to be out of compliance with this subchapter;

(E) Issue notices of violation, citations, written warnings, and other such enforcement proceedings as may be necessary to ensure compliance with the provisions of this subchapter;

(F) To abate and remove unsafe, dangerous, or illegal signs as follows:

(1) Prior to doing so, the Community Development Director, or his or her designee, shall provide the party responsible for the sign with a written notice of the violation(s) and outline what steps the party needs to take to bring the sign into compliance with this subchapter.

(a) Temporary signs shall be given 72 hours to take the corrective steps; and

(b) Permanent signs shall be given 30 days to take the corrective steps.

(2) Signs posted upon public property, including in the public right-of-way, may be immediately removed by the Community Development Director, or his or her designee.

(G) Require that signs related to a business which has been discontinued be removed within 30 days of the business ceasing operation; and

(H) Any person who wishes to appeal any decision or notice of action undertaken pursuant to this subchapter, may do so by following remedy procedures outlined in §§ [157.035](#) through [157.048](#).

(I) A request may be made to the Planning Commission to adjust the requirements of the sign regulations contained herein. The Planning Commission may adjust any sign regulation contained in this subchapter if, unusual or unique circumstances or conditions related to the operational characteristics of the use exist in a manner, or to such a degree, that such adjustment is equitable and warranted; and it would not go against the principles outlined in the General Plan. The Planning Commission shall make findings if an adjustment is made.

(Prior Code, § 56.04) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023; Ord. 41-2024, passed 12-18-2024)

**§ 157.757 DEFINITIONS.**

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

**ABANDONED SIGN.** Any display remaining in place or not maintained for a period of 90 days or more which identifies a use no longer in operation on the property.

**ANIMATED SIGN.** See **FLASHING SIGN** and **ROTATING OR REVOLVING SIGN**.

**AREA OF SIGN.** The total square footage of each and every face of a sign, but does not include any frame or other material. For signs not otherwise supported by a distinctive background, the sign area shall be calculated by enclosing all the lettering by the smallest possible six-sided polygon and calculating the area of the polygon.

**AWNING SIGN.** A device attached to the façade of a building, usually extending over sidewalks, windows, and business entries, sometimes to provide weather protection to pedestrians walking beneath such shelters. Awning structures slope downward and away from a building, and typically support canvas, wood, or metal slats or glass. Canvas awnings may have a valance (vertical flap) at the bottom of the sloping plane, which may be used to mount a sign identifying the building or store.

**BALLOON, FIXED.** Any air-filled or gas-filled balloon attached to a string, rope, or similar device, and tethered to a fixed or moving place or object, including a motor vehicle. See also **INFLATABLE DEVICE**.

**BANNER.** A sign made of fabric, cloth, plastic, or paper used only temporarily that is not permanently mounted or affixed to the ground or any structure, with or without enclosing framework, used to advertise a fundraiser, promotional or sales event, special or seasonal event, or other temporary on-site informational or directional sign. **PENNANTS**, as defined herein, shall be considered **BANNERS** for purposes of this subchapter.

**BILLBOARD.** A sign of any kind or nature whatsoever used to advertise:

- (1) Any business, industry, entertainment, or activity not conducted;
- (2) Any goods or other tangible items not produced, sold, or available; or
- (3) Any services or other intangibles not available or rendered on the premises upon which such sign is located; provided, however, such term shall not include any regional guide sign, nameplate, temporary real estate sign, identification sign, or on-site advertising sign as such terms are defined in this subchapter. Such term shall also not include any notice posted by any public officer in the performance of an official duty, or any directional, warning, or informational sign required or authorized by any federal, state, county, or local authority.

**BUILDING ELEVATION.** An exterior face of the unit for which a sign is proposed.

**CABINET SIGN.** A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.

**CANOPY SIGN (GAS STATION).** An illuminated sign designed to be an integral part of the architecture of a gasoline service station, and intended to be placed above the fuel pumps of a service station for purposes of providing light for the working area and commercial identification.

**CHANGEABLE COPY SIGN.** A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face of the display surface of the sign.

**COMMUNITY SIGN.** A temporary sign placed by civic or educational groups, or by the city, which is used to advertise various events held in the city.

**COMPANY SYMBOL.** A mark or logo that can either stand alone or be used with a company name to identify a company.

**CORPORATE FLAG.** A flag displaying the name, symbol, or logotype of a business or corporation.

**DIRECTIONAL SIGN.** Any sign that serves solely to guide or designate the location or direction to any place or area.

**DISPLAY SURFACE.** The surface made available by the structure for the mounting of material to carry the advertising message, trademark, or emblem.

**ELECTRONIC READERBOARD OR ELECTRONIC MESSAGE BOARD.** A changeable copy sign upon which the copy is displayed or changed by electronic means.

**FLAG.** Any piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol of a recognized federal, state, or local governmental entity. Signs which are non-governmental in nature but similar in size and purpose to a governmental **FLAG** shall be regulated as a **WIND SIGN**.

**FLASHING SIGN.** Any sign which is designed to intermittently blink on and off, or which creates the illusion of blinking on and off, or which contains running, traveling, or animating lights upon the sign structure or within the sign area; such term shall not include time and temperature displays, or other electronic readerboard or electronic message board signs.

**FREEWAY-ORIENTED SIGN.** A freestanding, on-site advertising or directional sign, not including billboards, located on property abutting a freeway right-of-way or freeway frontage road, and whose height, location, and sign copy are designed in a manner which permits identification from an adjacent freeway.

**HEIGHT OF SIGN.** The vertical distance from the uppermost point of a sign to the ground immediately below such point; provided that, if the finished grade has been raised

immediately below such point, the **HEIGHT** shall be measured from the average finished grade of the surrounding area.

**IDENTIFICATION SIGN.** Any sign designed solely to identify the use or occupant of a structure or site, and which contains no other advertising copy.

**ILLEGAL SIGN.** Any sign or advertising display constructed or erected without first complying with all applicable ordinances and regulations in effect at the time of its construction, erection, or use.

**INFLATABLE DEVICE.** Balloons exceeding two cubic feet and other inflatable devices, including figure objects and caricatures that are intended to attract attention.

**INSTITUTIONAL SIGN.** A sign on any private property, public place, or building with connection to a medical or dental surgery, clinic, hospital, rest home, home for the aged, or other place of a similar nature.

**LOCATION.** A lot, parcel, site or premises, building, wall, or any place whatsoever upon which a sign is erected, constructed, or maintained.

**MARQUEE (CHANGEABLE COPY) SIGN.** A sign or readerboard that is characterized by nonelectronic changeable copy, whether said sign is freestanding or mounted on a structure.

**MONUMENT SIGN.** A ground-mounted sign, single-sided, double-sided, or three-sided, supported from grade with a solid base, or the appearance of a solid base, that is at least 75% of the width of the sign that is not connected to another structure. Such sign is oriented for vehicular view along roadways, and is often used at entries to a building or project.

**MULTIPLE-FACED SIGN.** A sign with more than one sign face.

**MURAL.** A painting, tile, or other materials deemed appropriate that comprise artwork on an exterior wall in public view, whose primary purpose is commemorative or artistic rather than advertising.

**NAMEPLATE.** Any lighted or unlighted sign mounted on, or near, an entry that identifies the name and occupation or profession of the occupant of the premises.

**NONCONFORMING SIGN.** Any sign that complied with all applicable ordinances and regulations in effect at the time it was erected, but which does not conform to one or more of the requirements of this subchapter.

**NOTICE SIGN.** A sign posted by either a public agency or private individuals intended to convey legal information for specific properties. Signs can include building permits, no trespassing notices, public hearing notices, and the like.

**ON-PREMISE SIGN.** A sign or signs which are located on the same premise as the business, event, or activity is conducted.

**PARCEL or LOT.** Real property under separate ownership from any other **PARCEL or LOT**, or under separate lease of at least ten years' duration, with the option to renew, which has street or highway frontage.

**PENNANT.** Any plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other similar device, usually in series, designed to move in the wind.

**PERMANENT SALE SIGN.** A sign that indicates a sale in progress and is posted more than 30 days during any 60-day period.

**PLANNED COMMERCIAL CENTER** ~~PLANNED COMMERCIAL CENTERS. Small Regional~~ centers consisting ~~of individual large and small-scale commercial uses selling of multi-tenant individual large- and small-scale commercial uses that sell~~ a broad range of goods or services ~~to a market beyond the local community. It~~ ~~These centers~~ must contain at least ten acres of commercial land ~~and contain at least one retail facility, and 100,000 square feet of commercial floor space.~~

**POLE SIGN.** A ground-mounted sign that is typically supported by no more than two uprights or braces (for example, pylon-supported) that are not connected to another structure. Any sign with a base that is less than 75% of the width of the sign shall be considered a pole sign.

**POLITICAL SIGN.** A sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to, or painted upon, vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day transportation operations of the business, and is not parked away from the business primarily to gain visibility from a public right-of-way.

**PROJECTING SIGN.** A pedestrian-oriented, double-sided sign which projects from a building and is mounted perpendicular to the building wall.

Commented [DR1]: I couldn't find it in my notes, but I thought George had an issue with this nondescript descriptive word. I suggest we remove it entirely as we put a number (10k sf min) on the size of such a development.

Commented [SN1R2]: That's a good catch.

**PUBLIC NECESSITY.** Any sign used to control traffic, warn people of potential dangerous or hazardous situations and other regulatory purposes. Signs can include: street signs, danger signs, railroad crossing signs, geologic hazard signs, and signs of public service companies indicating danger.

**PUBLIC PROPERTY.** Real or personal property that is owned, held, or managed by a public entity.

**PUMP ISLAND SIGN.** Any sign attached to a fuel-dispensing pump, either affixed to, or placed upon, the pump.

**READERBOARD.** See **MARQUEE SIGN.**

**REAL ESTATE SIGN.** Any sign and sign structure of a temporary nature relating to the sale, lease, or other disposition of real property.

**ROOF SIGN.** A sign upon a roof, upon a structure that appears to be a roof (such as a mansard roof), or above the roofline of the building elevation to which it is attached.

**SIGN.** Any display, exhibit, declaration, demonstration, graphic announcement, inflatable device, illustration, or insignia used to advertise or promote the interest of any person, business, institution, or organization when the same is placed outdoors, or on the inside of a window to be seen from the outside, in view of the general public; provided that this definition does not apply to the display of the flag of a nation, state, county, or city, or any official flag or banner of any bona fide religious or fraternal organization.

**SIGN AREA.** See **AREA OF SIGN.**

**SIGN COPY.** Any characters, letters, or type that constitutes the message of the sign.

**SIGN HEIGHT.** See **HEIGHT OF SIGN.**

**SIGN STRUCTURE.** The uprights, bracing, guy rods, cables, framework, and other support of a sign or billboard.

**SNIPE SIGN.** Any sign or poster placed on trees, fences, light posts, or utility poles, except those posted by a government or public utility.

**STREET FRONTAGE.** The lineal foot width of a building site or parcel of land, along or fronting on a street or other rights-of-way, excluding alleys.

**SUSPENDED SIGN.** A pedestrian-oriented, double-sided sign hung over a walkway, or beneath an awning or arcade, perpendicular to the face of the building to which it is attached.

**TEMPORARY SIGN.** Any sign that is used only temporarily and is not permanently mounted or affixed to the ground or any structure.

**WALL SIGN.** A sign that is affixed to, or painted on, an exterior wall of a building in a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

**WIND SIGN.** A sign, group of signs, display or group of displays, banners, non-governmental flags, balloons, or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

**WINDOW SIGN.** Any words, picture, symbol, brand name, business name logo, including any negative or clear spaces between graphics, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is applied or attached to a window or located within five feet of the inside of a window in a manner that it can be seen from the exterior of the structure.

(Prior Code, § 56.06) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023; Ord. 17-2024, passed 5-15-2024)

**§ 157.758 PROHIBITED SIGNS.**

Any sign not permitted is prohibited in the city. The following signs are specifically prohibited:

(A) Hot or cold air balloons, or inflatables, except when such fall under the definition of temporary sign;

(B) Any sign which flashes, blinks, uses chaser lights or is animated. Commercial electronic message signs may be permitted, so long as the messages are composed of static images;

(C) Projecting signs;

(D) Roof signs;

(E) Any truck, trailer, or other vehicle conspicuously parked in the public right-of-way for more than 72 consecutive hours with an advertising message displayed on the vehicle designed to attract attention to a business, product, or promotion;

(F) Graffiti;

(G) Spotlights directed into the night sky, except as part of an approved promotional period for temporary signs;

(H) With the exception of billboard signs, as defined and regulated herein, any off-premises signs, except as may be necessary to provide directions to a residential subdivision or planned unit development;

(I) Any handbill or sign which is affixed, painted, marked, or written on any part or portion of the public right-of-way, including sidewalks, crosswalks, curbs, park strips, light poles, lamp posts, hydrants, trees, shrubs, power poles, or any other structures. This does not apply to the painting of house numbers on curbs; and

(J) No sign shall be placed on public property, which includes any city, county or state easement or right-of-way, unless the sign is erected by the city, county, or state. Those signs may not exceed 36 inches in height.

(Prior Code, § 56.08) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023; Ord. 17-2024, passed 5-15-2024)

**§ 157.759 PERMITTED SIGNS.**

(A) Commercial, industrial, and residential signs are permitted in the sizes and zones outlined in the table in division (B) below.

(B) Certain signs may contain additional regulations, which can be found in the table below.

<i>Sign Type</i>	<i>Building Permit Required</i>	<i>Max. Height (ft.)</i>	<i>Max. Area (sq. ft.)</i>	<i>Permitted Zones</i>	<i>Lighting Permitted</i>
<i>Sign Type</i>	<i>Building Permit Required</i>	<i>Max. Height (ft.)</i>	<i>Max. Area (sq. ft.)</i>	<i>Permitted Zones</i>	<i>Lighting Permitted</i>
Awning	Y	(See below) D	(See below) D	C-1, C-2, C-3, M-1, M-2	N
Banner	N	6	96	All	N
Billboard	Y	(See below) F	675	(See below) F	Y

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Canopy	Y	20 (See below) G	(See below) G	C-1, C-2, C-3, M-1, M-2	Y
Community	N	8	32	All	N
Directional	N	8	32	All	N
Flag	N	N/A	(See below) K	All	Y
Institutional	Y	6	32	All	N
Monument	Y	(See below) L and I	(See below) L and I	C-1, C-2, C-3, M-1, M-2	Y
Nameplate	N	2	2	All	N
Notice	N	6	32	All	N
Pole	Y	(See below) J and I	(See below) J & I	(See below) J	Y
Political	N	6	32	All	N
Public necessity	N	4	4	All	N
Real estate	N	(See below) N	(See below) N	All	N
Snipe signs	N	(See below)	20	All	N
Suspended	N	2	3	All	N

Temporary	N	(See below) P	(See below) P	All	N
Wall	Y	Top of building wall	Max area is 15% of the square footage of a single wall surface	C-1, C-2, C-3, M-1, M-2	Y
Warning	N	4	16	All	N
Wind	N	8	16	C-1, C-2, C-3, M-1, M-2	N
Window	Y	(See below) R	(See below) R	All	N

(C) Regardless of type, height, and area, all signs in the city shall comply with the following.

(1) All signs erected in the city shall comply with all building, electrical, fire, and other such relevant codes as may be in effect at the time the permit is issued.

(2) All signs are required to maintain appropriate vertical and horizontal clearances as may be required by any public utility company.

(3) No building permits will be issued for signs that involve electrical wiring or connections unless designed/built by a licensed electrical contractor, nor shall any building permit be issued for a sign unless the required drawings are prepared by, and stamped by, a licensed structural engineer.

(4) Any sign which has a foundation and/or footing requires a building permit, regardless of its designation on table in division (B) above.

(5) Any sign, regardless of type, which has lighting, shall be subject to the following standards:

(a) No lighting shall be permitted which penetrates beyond the property in a manner which constitutes a nuisance.

(b) Signs may be unlit, externally lit, internally lit or backlit. Additionally, any lighting must be directed so only the face of the sign is illuminated.

(c) Internally illuminated signs, also known as cabinet signs, shall use semi-opaque materials for sign text and logos such that the lighting is diffused. Transparent or clear materials are not allowed.

(d) Backlit signs may not have a visible light source. They shall only allow indirect illumination to emanate from the sign.

(e) Externally illuminated signs must be aimed and shielded so that the light is directed only onto the sign face.

(f) Regardless of the source or type of illumination, the aggregate output of the lighting shall not exceed 500 lumens or 13.94 foot-candles per square foot of sign area, as measured at the property line closest to the sign.

(6) No sign shall be placed, built, or located, nor shall any sign exist, in a manner which creates a nuisance, safety hazard, or other unsafe condition.

(7) When in proximity to traffic signals, street intersections, or traffic signs, no sign shall be designed similar to such traffic signs or signals, and shall not be permitted to use words which may reasonably create confusion as to the nature and purpose of the sign.

(8) Any sign placed at any intersection throughout the city shall be placed outside of the sight triangle (25 feet by 25 feet at the corner) area to not create a traffic hazard.

(9) No sign over two feet high shall be permitted in the line of sight triangle (seven feet by 50 feet) next to driveway entrances.

(10) Changeable copy and/or electronic message portions of the sign may change more than once per eight seconds.

(11) When more than one sign is proposed for a commercial or industrial project, a developer shall submit a plan for the overall placement and design of all signs throughout the development, except for those which are attached to buildings. Developers shall present a sign proposal demonstrating a consistent theme throughout the project signage. The Planning Commission shall review the sign proposal as part of the site plan review.

(12) With the exception of billboard signs and Planned Commercial Center as regulated within this chapter, off-premise advertising is strictly prohibited.

(13) All signs shall be kept in good condition and working order. Damage signs shall be repaired in a timely manner. Failure to repair signage in a timely manner, and after notice from the City, the sign owner may be subject to a violation as described within this chapter.

(D) (1) Awning signs shall be limited to single-story buildings or to the first level of multi-story buildings.

(2) Awning signs shall be placed over a doorway, window, or walkway.

(3) Awning signs are not allowed on, or above, a sloping or mansard roof.

(4) Awning signs shall not:

(a) Extend more than 18 inches on either side of the door, window, archway, or walkway over which they are located;

(b) Project less than two feet, or more than eight feet, from the wall on which they are anchored; and/or

(c) Project above the highest part of the building's vertical wall.

(E) New businesses shall be permitted to use a single banner sign during construction and for no more than six months after receiving final occupancy and a city business license.

(F) (1) Billboard signs are allowed only on property adjacent to, and fronting, I-15. Any other existing billboard signs at the adoption of this subchapter, which otherwise do not create a safety concern, are hereby grandfathered in and are a legally nonconforming use.

(2) Billboard signs must be oriented for freeway viewing, and be within 100 feet of the nearest freeway lane.

(3) In any permitted area along I-15, billboards shall not exceed a height of 60 feet above the grade of the interstate perpendicular to the billboard. Billboards shall always be allowed at a minimum height of 45 feet.

(4) Billboards along the I-15 corridor are limited to 672 square feet.

(5) (a) Billboards must be a minimum of 500 lineal feet from any other billboard on the same side of a street and 75 lineal feet from any on-premises sign on or off the same property.

(b) Billboards may be located within the 75-foot buffer of an on-premises sign when set back from the front property line 20 feet or more, measured to the closest edge of the billboard. In no case shall a billboard be located within the 75-foot buffer of an on-premises sign and be closer to the front property line than the on-premises sign.

(c) Billboards shall be set back from any on-premises sign at least six feet measured from the closest edge of each sign face.

(6) No billboard shall be closer than two feet to a front property line, measured to the closest edge of the billboard.

(7) A building permit may be issued for a billboard; however, prior to scheduling the first inspection for the billboard, applicants shall be required to provide the city with a letter of approval from the State Department of Transportation stating that the billboard meets their requirements for the I-15 corridor.

(G) Canopy signs shall only be permitted in gas/fuel stations over the gas/fuel islands, subject to the following.

(1) The height to the top of the canopy may not exceed 20 feet from grade, with no more than four feet of height containing fascia.

(2) Individual letters, logos, or symbols may not exceed four feet in height or project out from the canopy's surface more than 18 inches.

(3) This does not limit the ability to have a monument or other sign wherein gas/fuel prices may be displayed.

(H) Regulations for community signs are as follows:

(1) May be located at a variety of locations throughout the city, with the written permission of the property owner;

(2) May not be attached to another temporary, traffic, or business sign;

(3) May be part of the city's annual rotating events, such as West Haven Days, cultural arts events, holidays, or changes in the seasons;

(4) May be located at gateways to the city, at major intersections, and along major streets;

(5) Shall be made of durable, weather-resistant material;

(6) Shall be appropriate in size and scale to their location; and

(7) Shall be displayed for not more than 30 days.

(I) (1) Written consent of the property owner on which a directional sign is located shall be presented to the Community Development Director, or his or her designee, prior to such a sign being erected.

(2) Directional signs shall be removed either two years from the time the first building permit in the subdivision is issued, or upon the sale of the final lot in the subdivision, whichever comes first. An extension may be granted by the Community Development Director, or his or her designee, if it can be shown that a substantial number of the lots are not ready for development or have not sold.

(J) (1) Subject to the regulations contained in this section, pole signs shall be allowed in commercial/manufacturing zones in the following areas:

(a) 4000 South, east of the canal located at approximately 3200 West;

(b) Commercial and manufacturing zoned properties located within 250 feet of the edge of the right-of-way of the following properties:

1. Wilson Lane;
2. 2100 South;
3. 1900 West;
4. Midland Drive;
5. Interstate 15.

(c) Pole signs are prohibited in areas not listed above, unless such areas are located within a Planned Commercial Center.

(2) Pole signs shall have a minimum clearance of ten feet to the bottom of the lowest cabinet face, except for Pole Signs within Planned Commercial Center, which shall follow the standards listed within this chapter.

(3) Pole signs shall be set back from any adjoining property line one foot for each foot of the sign's height, including any supporting structures.

(4) All support structures must be covered or concealed with pole/pylon covers which are designed to match the architectural style of the sign and the commercial buildings it advertises.

(5) Pole signs shall be incorporated into a landscaped design or planter box.

(6) No sign may be higher than 25 feet high, as measured from the crown of the road to the highest point of the sign.

(7) **Size**

— No pole sign shall exceed 80 square feet, **except within a Planned Commercial Center:**

(8) No sign may extend over a pedestrian or vehicular access area.

(9) When more than one pole sign is permitted, they shall be placed a minimum of 300 feet apart.

(10) On-premises signs located within 1,000 feet of I-15 may increase their height so that the sign is visible not more than 25 feet above the nearest lane, overpass, sound wall, or other view obstruction, whichever is highest.

(11) Two or more owners of separate, contiguous parcels of real property may elect to combine the street or highway frontage of their respective contiguous properties. If such properties are so combined, only one pole sign may be constructed or erected in accordance with the provisions of this subchapter.

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	<b>Property Frontage (linear feet)</b>	<b>Max Number of Signs</b>
	<b>Property Frontage (linear feet)</b>	<b>Max Number of Signs</b>
Pole sign	0 - 99	1
	100 - 299	1
	300 - 599	1
	600+	2
<b>Planned commercial center</b> <b>Planned Commercial Center</b>	<del>0 - 399</del>	<del>1</del>
-	<del>400 - 599</del>	<del>1</del>
-	<del>600 - 1,200</del>	<del>2</del>
-	<del>1,200+</del>	<del>3</del>

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(K) Signs and decorations commonly associated with any national, state, or local holiday, as well as any faith-based observances and social customs or causes, shall comply with the following:

(1) All such signs/decorations shall be entirely confined to the property on which they are originally erected.

(2) No sign or decoration shall be placed in a manner to cause confusion with authorized traffic lights and signals.

(L) (1) Monument signs are permitted for any non-residential lot with a minimum of 30 feet of street frontage. Maximum height includes the height of the base, which shall be a minimum of one foot, and maximum width includes any frame or support structure.

<b><i>Property Frontage (linear feet)</i></b>	<b><i>Max. Area per Sign Face (square feet)</i></b>	<b><i>Max Height (feet)</i></b>	<b><i>Max number of Signs</i></b>
0 - 99	25	6	1
100 - 299	50	8	1
300 - 599	64	8	1
600 - 1,200	80	8	2
1,200+	80	8	3

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(2) Parcels with two or more street frontages are permitted one sign per frontage; provided that such signs can be placed a minimum of 100 feet from each other, measured diagonally across the property.

(3) When more than one monument sign is permitted, they shall be placed a minimum of 300 feet apart.

(4) Monument signs may be used to advertise the entrance into a subdivision, and shall be subject to the same regulations as commercial monument signs. Regardless of use, monument signs shall be incorporated into a landscaped design or planter box.

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(5) Signs shall be set back from any adjacent property line one foot for each foot of sign height, including any base or supporting structure.

(6) Monument signs shall include the numeric street address of the property upon which it is located. The numbers shall be between nine inches and 15 inches in height.

(7) Monument signs shall be setback a minimum of five feet from any right-of-way line.

(M) (1) For primary and general elections, no political sign may be placed, or erected, more than 30 days prior to an election, and shall be removed within 72 hours after the polls have closed. Thirty days does not include the date of the election.

(2) No political sign may be placed within 150 feet of a ballot box or polling location.

(N) For real estate signs announcing the location, availability, and/or development of a property are allowed, shall be subject to the following conditions.

(1) Signs advertising the sale of an individual lot shall be no larger than 16 square feet in area, with a maximum height of four feet.

(2) On residential lots under construction, one sign is allowed advertising the sale of the lot and one sign is allowed advertising the developer of the lot.

(3) Signs announcing the future development of commercial, industrial, or residential property shall not exceed 96 square feet in area, with a maximum height of eight feet which includes the post.

(a) One sign per public or private street frontage is permitted.

(b) No sign shall be erected prior to approval of the development plan (subdivision, site plan, and the like) for the property on which the sign shall be located.

(4) Signs announcing an open house on the property where the sign is located may not exceed 32 square feet in area, with a maximum height of eight feet. Open house signs may be placed on the subject property no more than 24 hours prior to the open house and shall be removed upon completion of the open house.

(O) (1) Suspended signs shall not extend beyond the outer edge of the awning, marquee, canopy, or facade to which they are attached.

(2) Suspended signs shall have a minimum eight-foot clearance above the sidewalk or landscaped area they are over.

(3) A minimum of five feet of horizontal distance shall separate suspended signs.

(P) Regardless of the purpose or nature of the sign, all temporary signs shall comply with the following.

(1) Temporary signs shall advertise a specific event or occasion.

(2) Temporary signs may be placed no more than 45 days prior to the event or occasion which they advertise, may remain for the duration of the event, and shall be removed within 48 hours after the event concludes.

(a) In the event a temporary sign is advertising a change of ownership, it shall be removed within 45 days after the ownership has changed.

(b) In the event a temporary sign is advertising a going out of business/bankruptcy sale, it may so advertise for a period of not longer than 90 days.

(Q) More than one wall sign may be erected on a single building; provided, that no more than seven signs are erected and the total of all such signs does not exceed the maximum of 15% of the square footage of a single wall surface.

(1) When multiple wall signs are erected on a single building, the design, size, lighting, and other elements of the signs shall blend together to create a cohesive theme.

(2) Wall signs may have a sign on any side with exposure.

(3) No wall sign shall project more than 18 inches beyond the wall to which it is attached.

(4) Multi-tenant buildings may use a single wall sign to identify all business located within the building.

(R) Window signs and indoor illuminated signs within 18 inches of the window shall not occupy more than 25% of the surface area of a single window or group of windows.

(S) Snipe signs are only allowed on fences and trees located on private property. They may not exceed 20 square feet in size. Snipe signs shall not be placed within the city easement which is generally six-feet measured from the edge of the roadway or within the city's right-of-way which is typically one foot off the back of sidewalk.

(T) Planned Commercial Centers. Any commercial development that meets the standards for Planned Commercial Centers shall comply with the following standards.

(1) The purpose of the Planned Commercial Centers is to allow multi-tenant developers of ten (10) acres or more to be able to combine signs at key locations and access points with increased sizes but have fewer pole and monument signs overall.

(2) The applicant shall provide a map of the Planned Commercial Center and what properties are included within the Center. Each property owner within the Planned Commercial Center shall be required to provide a signature or owner's affidavit for the application.

(3) The Planned Commercial Center must provide a comprehensive signage plan for pole and monument signs, including locations and types, before sign permit approval. A comprehensive sign plan for a proposed or existing Planned Commercial Center development may be approved by the Community Development Director or their designee as part of the site plan process.

(4) Off-premises signage is allowed within a Planned Commercial Center if the signage is for the properties or businesses within the center. Planned Commercial Center signage must be located within the subject Planned Commercial Center and locations shown on the comprehensive sign plan. If the Planned Commercial Center has access and frontage from at least two separate public streets or intersections, a single-pole or monument sign may be placed at each entrance.

(5) Monument signs for Planned Commercial Centers may be a maximum of 120 sq. ft. per sign face, regardless of total frontage.

(6) Pole Signs in Planned Commercial Centers

a. Pole signs may exceed 80 square feet if the sign advertises multiple businesses/tenants within the center. These pole signs shall be no larger than 200 sq. ft.

b. The City may approve a pole sign up to 250 sq. ft., if the sign contains an area indicating that the center is located within West Haven, with a design approved by the city.

c. Pole sign max height within a Planned Commercial Center shall be thirty (30) feet.

d. There shall be no minimum ground clearance for pole signs located within a Planned Commercial Center, to allow for pylon-type signage for multi-tenant signs.

e. Setbacks: Pole signs base shall be setback a minimum of 10' from the right-of-way. Not part of the sign shall overhang into the public right-of-way or access drive, and shall not be placed within a sight triangle as described within this chapter.

(7) Sign Spacing within Planned Commercial Centers

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	Total Center Frontage in feet	Combined number of pole and monument signs
Planned Commercial Center	0 – 599	1*
-	600 - 1,200	2*
-	1,200-3000	3
	3000+	4 plus one additional sign for every 1,000 feet of frontage.

\*An additional sign may be allowed, subject to section (4) above.

(8) All other standards, setbacks, and height restrictions shall apply unless otherwise stated within this section.

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(Prior Code, § 56.10) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023; Ord. 17-2024, passed 5-15-2024; Ord. 41-2024, passed 12-18-2024)

**§ 157.760 APPLICATION PROCESS.**

(A) For any sign which requires a building permit, the following information shall be submitted as part of the application:

- (1) A plot plan showing the relationship of any and all proposed signs to buildings, property lines, setbacks, intersections, easements, and driveway accesses on the property, as well as properties located within 300 feet of the property at issue;
- (2) A scaled drawing showing, where applicable, the color, dimensions, proposed landscaping, sign materials, type of illumination, and street-view of the sign(s);
- (3) Details of sign construction, including any electrical plan and foundation scheme;
- (4) Proof of a current city business license;
- (5) The name, address, and contact information for the business owner, business operator, and property owner;

(6) Contact information for any contractors used on the project; and

(7) Value of the sign.

(B) If signs are proposed as part of a new commercial site plan, they shall not be required to obtain a separate sign permit. Review and approval of the site plan shall constitute approval of the sign(s).

(C) Notwithstanding the foregoing, the Community Development Director, or his or her designee, may require additional information if he or she determines that the sign requires further review.

(D) The party responsible for the sign shall keep a record of any and all applications submitted and permits issued for the sign, and to present them to the Community Development Department upon request.

(E) The Community Development Department shall maintain such drawings as may aid a sign applicant in determining how the lighting, area, and placement of the sign will be calculated.

(Prior Code, § 56.12) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023)

**§ 157.761 VIOLATIONS.**

~~(A) Any violation of this subchapter is subject to enforcement action, which shall be enforced by the Community Development Department, or their designee. All such violation notices, remedies and procedures for noncompliance shall follow the City Zoning Code violation ordinance.~~

~~(B) Any person, firm, or corporation who violates any of the provisions of this chapter shall be guilty of a Class C misdemeanor or be subject to civil penalties as contained within this chapter.~~

~~(C) Noncompliance Fee Schedule: The Community Development Department or acting agent shall enforce a noncompliance fee based on the noncompliance fee schedule for each offense.~~

**CIVIL FEE SCHEDULE**

**Commented [SN2]:** I am not sure what this is.

**Commented [DR2R2]:** 157.016 is the closest thing I can imagine, its applicable to all of Chapter 157 but only speaks on the withholding of permits. I recommend the following redlines.

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First violation	Warning and set time given by the code compliance official to remedy the noncompliance: \$125.00 if the noncompliance is not remedied within the set time.
Second violation	\$150.00 for each violation after the initial warning.

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(C) Illegally placed signs. If a company, individual, or any organization places a sign without a permit or in a non-permitted location, the Community Development Department shall provide official notices of the violation. If practicable, the City may remove signs located within the public right-of-way. If the company, individual, or organization continues to place signs illegally after receiving the official notice, they shall be subject to ~~to second-violation fines or a Class C misdemeanor for each violation.~~

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(Prior Code, § 56.14) (Ord. 2-92, passed - -1992; Ord. 7-2003, passed 9-17-2003; Ord. 33-2019, passed 11-20-2019; Ord. 36-2021, passed 12-21-2021; Ord. 12-2023, passed 6-21-2023)

**Planning Commission  
Staff Review Memo**

**February 25, 2026**

Damian Rodriguez, Planner

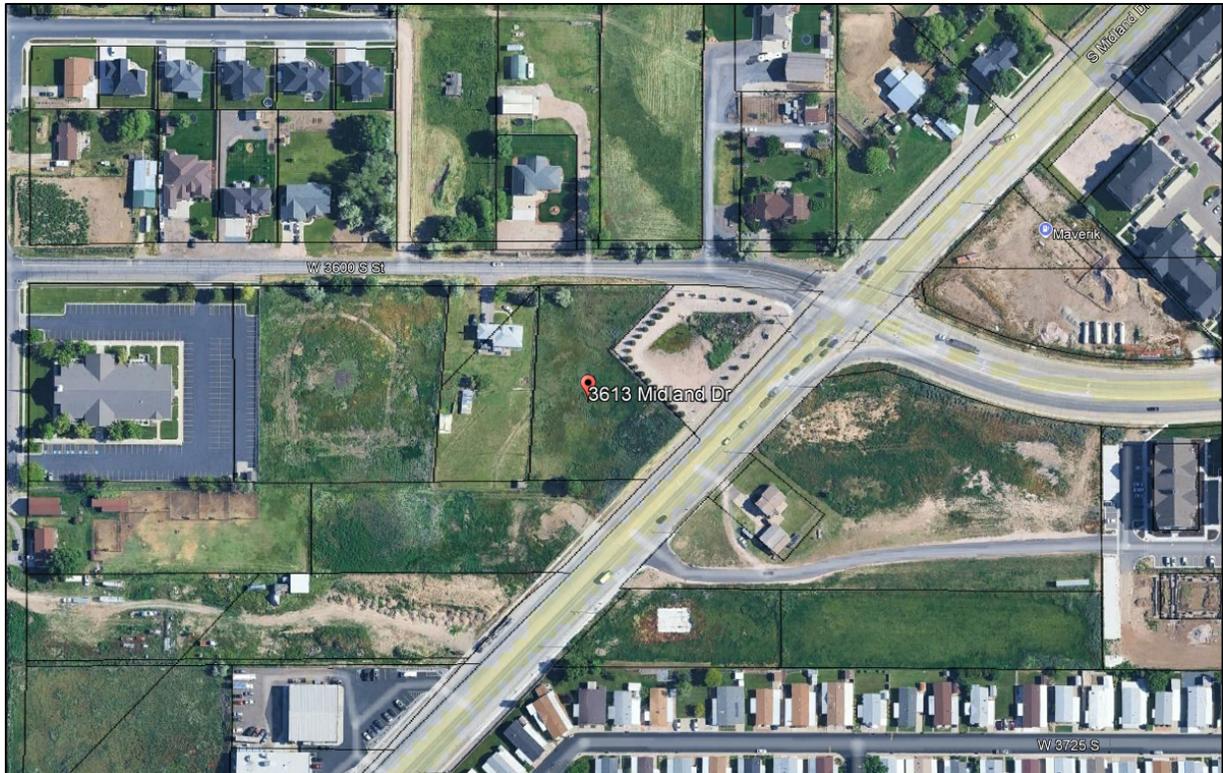


**PRELIMINARY SITE PLAN REVIEW**

**Request:** Les Schwab Tire Center Preliminary Site Plan Approval  
**Property Location:** 3645 S. Midland Drive  
**Property Zone:** C-2, Community Commercial Zone  
**Property Size:** 1.41 acres  
**Applicant:** Denny Kiely, Graham Engineering

**Governing Document(s):** WHZC §157.291, §157.733, and §157.734  
**Decision Type:** Administrative  
**Staff Recommendation:** Approval

Image 1: Site Aerial

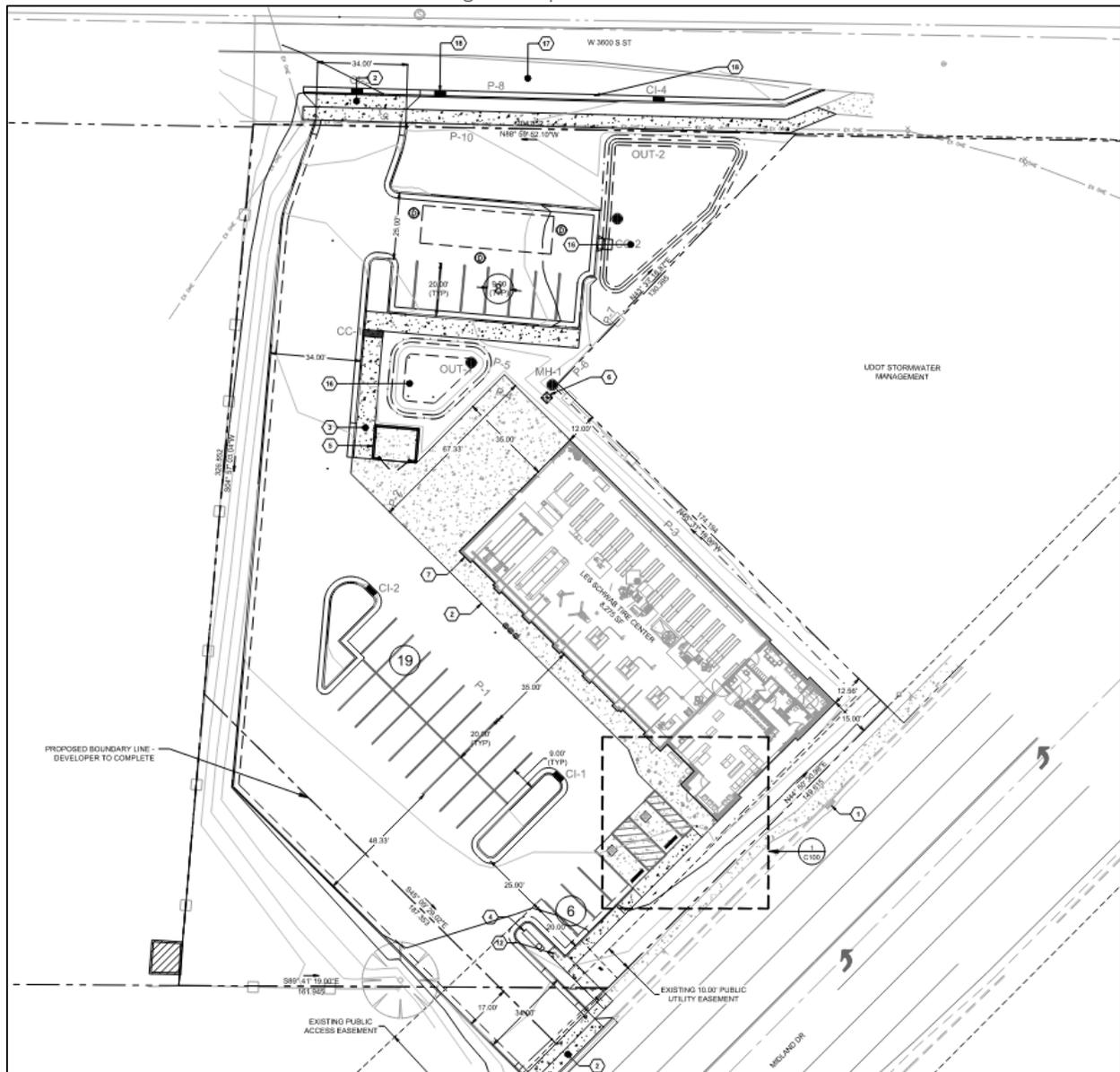


## I. BACKGROUND

The applicant is seeking preliminary site plan approval for the development of a tire sales and service center (the proposal) on the property at 3645 South Midland Drive (referred to as 3613 Midland Drive on the application materials). The application for preliminary site plan review was received in January 2026, and the staff provided corrections. Since then, the applicant has revised the proposal to satisfactorily address staff comments, and staff believe it is ready for Planning Commission review.

The subject property is zoned C-2, Community Commercial, and has an irregular shape, totaling approximately 1.41 acres.

Image 2: Proposed Site Plan



To meet the property frontage landscape buffer requirement of 15' along 3600 South Street, the applicant has removed several parking stalls from the initial proposal, which causes the proposal to be deficient in terms of the minimum parking requirement for the use. In response, the applicant has requested an exception to the standard. An exception is also sought to count insulated concrete panels as a primary exterior material.

**II. STAFF REVIEW**

Staff’s review of the proposed preliminary site plan and accompanying documents (collectively referred to as *the proposal* in this report) as it pertains to the requirements of the West Haven Zoning Code is as follows:

**Use**

The land use would be classified as a *Tire sales and service center*, a permitted use in the zone.

**§157.291 Site Development Standards**

	Site Plan Proposal	Zone: C-2	Compliant?
<b>Building height</b>			
Maximum	23’ 4”	35 ft. when adjacent to residential, no restriction if 150 ft. from residential	Yes
Minimum	1 story	1 story	Yes
<b>Max lot coverage</b>	13%	Not over 60% of lot area by buildings or accessory buildings	Yes
<b>Minimum lot area</b>	1.4 acres	None	Yes
<b>Min lot width</b>	108’	None	Yes
<b>Min yard setbacks</b>			
Front	15’	15 ft.	Yes
Rear	>35’	None, except 10 ft. where building rears on a Residential Zone	Yes
Side	12’	None, except 10 ft. to Residential Zone boundary	Yes

Side, adj. to street	20'	15 ft.	Yes
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**§157.733 STANDARDS OF REVIEW**

The purpose of the *Design Review* code (§§157.730 through 157.737), as specified in the ordinance, 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. All commercial development proposals shall be subject to the provisions of the stated code.

The Planning Commission shall consider the matters specified below (A through G) in its review of a preliminary site plan packet for a commercial development proposal. Where the plan set is found to be deficient, the plans shall be amended, or conditions may be imposed to mitigate the inherent deficiencies. The Development Review Committee's (staff) findings for each matter of consideration are provided below the subject consideration. These findings are provided to assist the Planning Commission in its analysis and decision-making processes.

*(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, and (2) a traffic study shall be required, if in the opinion of the Planning Commission, with input from the Development Review Committee, such would be necessary.*

**Finding:** This portion of Midland Drive is owned and maintained by the state of Utah Department of Transportation; as such, UDOT is the approval authority for any site access from Midland Drive at this location. The applicant has had a pre-application meeting with UDOT, as required for preliminary approval, but will need to obtain the full conditional access permit prior to final site plan approval. City Staff recommends the following condition of approval:

- A conditional access permit is obtained from UDOT prior to final site plan approval.

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

**Finding:** The proposal, despite initially meeting the minimum parking requirements, has been found noncompliant with parking standards due to a correction to the site's landscaping. To meet the property frontage landscape buffer requirement of 15' along 3600 South Street, the applicant has removed several parking stalls from the initial proposal, which has caused the

plans to be deficient in terms of the minimum parking requirement (one space per service bay, plus one space per 250 square feet GFA). The proposal now provides 33 parking stalls where 40 are required.

The applicant is now requesting an exception to the minimum parking standard, which is supported by an analysis (Institute of Transportation Engineers Trip Generation Manual, 6<sup>th</sup> Edition) conducted by Principal Engineer Zach Graham. The said analysis projected twenty parking stalls to be sufficient. See the attached Request for Deviation Memorandum.

Per §157.634, the city may approve alternatives to the parking, loading, and internal circulation standards if it determines, based on accepted engineering principles, that the alternate design will be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic impacts.

The staff finds the applicant's request to be reasonable and based on accepted engineering principles, to the best of our knowledge, and recommends that the Planning Commission approve the proposal with the provided 33 parking stalls.

*(C) Signage. Does the proposed signage comply with the city sign ordinance?*

**Finding:** The proposed signage at the site does not entirely comply with the sign ordinance, as the face of the free-standing pole sign exceeds the maximum area permitted, and the pole sign encroaches on the required minimum setback given its height. For this reason, staff recommend the following conditions of approval:

- All staff comments and corrections in the attached report are satisfactorily addressed prior to final site plan approval, to include signage corrections.

*(D) Landscaping. Does the proposed landscaping comply with the landscaping standards of this subchapter and the other applicable standards of the zoning ordinance?*

**Finding:** The proposed landscaping of the site does comply with the standards of the zoning ordinance. The irrigation for the proposed landscaping will be reviewed prior to final site plan approval.

*(E) Building/site layout. Do the proposed buildings and structures comply with the standards set forth in the subchapter as well as other applicable standards of the zoning ordinance?*

**Finding:** The building and its location comply with the standards set forth in the zoning ordinance and the Design Review subchapter,

*(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?*

**Finding:** The Engineering staff have provided a redlined copy of the plan set with corrections. All corrections and the review of a civils drawing packet shall be completed prior to final site plan approval. Staff recommends the following conditions of approval:

- The approval of the complete plan set is obtained from all Development Review Committee members prior to final site plan approval.

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

**Finding:** The site is not subject to a master development agreement. There are several recordings on the property, including an access easement, which is utilized at the southeast extent of the property to provide site access. See the attached ALTA Survey for reference.

### **§ 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.*

*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.*

**Finding:** The showroom façade faces Midland Drive and is subject to the 60% requirement for primary materials, however this standard is not met with the proposed. The applicant has requested that the Planning Commission approve the provided insulated concrete panels as a primary material.

Per §157.737, upon request of the applicant, modifications to the approved plan may be made by the Planning Commission if it is found that the modification will be comparable to or superior to a listed, approved material. The Planning Commission may revoke or modify a design approval that does not conform to any requirement of the approved permit.

Concrete is listed as a secondary exterior finish material; staff believes that the intent of this code is to prevent smooth-faced, untextured, monolithic exterior walls, as textured concrete masonry units (CMU) are permitted as a primary material.

Staff finds that the proposed concrete panel system provides durability and visual interest to the building that is comparable to or superior to many of the options included in the primary materials list, including textured CMU. Staff recommends the Planning Commission approve the proposal with the request to accept the insulated concrete panels as a primary finish material.

### III. **STAFF CONCLUSION**

Based on the findings specified in Section II of this report, staff concludes that the proposal is compliant with all applicable regulations and requirements of the ordinance, and the proposed site plan can receive preliminary approval when the following conditions are applied:

1. A conditional access permit is obtained from UDOT prior to final site plan approval.
2. The approval of all Development Review Committee members is obtained for the plan set prior to final site plan approval.
3. All staff comments and corrections in the attached report are satisfactorily addressed prior to final site plan approval, to include signage corrections.

### IV. **RECOMMENDED ACTION**

There are three items under consideration with this proposal:

1. Parking Adjustment Proposal
2. Alternate Materials Proposal
3. Preliminary Site Plan Approval

If the parking adjustment is not approved, then the applicant will need to make significant changes to the site. If the Planning Commission grants the parking adjustment and alternate materials proposal, then staff recommends that the Planning Commission grant preliminary **approval** of the proposed site plan, subject to the conditions enumerated in the previous section of this report.

## **V. POSSIBLE MOTION**

### **Parking Adjustment**

**Approved:** Motion to grant approval of the proposed parking adjustment for unusual and unique conditions, reducing the minimum parking space requirements from 40 to 33, finding that this reduction is based on accepted engineering principles, as provided by the parking memo by Zach Graham, PE, and unique circumstances relating to the operational characteristics of the use, and that such adjustment is equitable and warranted as required by § 157.634.

**Deny:** Motion to deny the requested parking adjustment for unusual and unique conditions, finding that reducing the minimum parking space requirements from 40 to 33 does not reach the level of unusual or unique circumstances or conditions as described within § 157.634.

### **Alternate Materials**

**Approved:** Motion to grant approval of the proposed alternative materials to allow the provided insulated concrete panels as a primary material, finding that the requested material is comparable to or superior to the listed and approved materials, as outlined within the staff report.

**Deny:** Motion to deny the proposed alternative materials of the provided insulated concrete panels as a primary material, finding that the requested material is not comparable to or superior to the listed and approved materials.

### **Preliminary Site Plan**

**Approve with staff-recommended conditions:** Motion to grant the preliminary approval of the proposed site plan for the Les Schwab Tire Center at 3645 S Midland Drive, finding that the general design of the proposed site and buildings is compliant with the applicable regulations of the ordinance when the following conditions of approval are applied:

- A conditional access permit is obtained from UDOT prior to final site plan approval.
- The approval of the complete plan set is obtained from all Development Review Committee members prior to final site plan approval.
- All staff comments and corrections in the attached report are satisfactorily addressed prior to final site plan approval, to include signage corrections.

**Approve with modified conditions:** Motion to grant the preliminary approval of the proposed site plan for the Les Schwab Tire Center at 3645 S Midland Drive, finding that the general design of the proposed site and buildings is compliant with the applicable regulations of the ordinance when the following conditions of approval are applied:

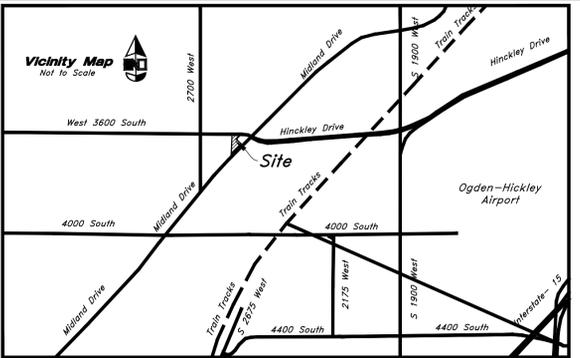
(List conditions of approval)

**Approve outright:** Motion to grant the preliminary approval of the proposed site plan for the Les Schwab Tire Center at 3645 S Midland Drive, finding that the general design of the proposed site and buildings is compliant with the applicable regulations of the ordinance.



**Notes**

According to ALTA standards, the surveyor cannot certify a survey based upon an interpretation. The surveyor is not authorized to interpret zoning codes, nor can the surveyor determine whether certain improvements are burdening or actually benefiting the property.



**Narrative**

This Survey was requested by Graham Engineering prerequisite to the purchase and development of this property. A line between found monuments at the West Quarter Corner and the Northwest Corner of Section 2 was assigned the Weber County NAD83(2011) bearing of North 0°51'48" East as the Basis of Bearings to match a NAD83(2011) Utah North Zone State Plane Datum reference to North.

**Flood Plain Data**

This property lies entirely within Flood Zone X as designated on FEMA Flood Insurance Rate Map for City of West Haven, Utah and Incorporated Areas Map Number 49057C0425F dated 30 November, 2023. Flood Zone X is defined as an "Area of Minimal Flood Hazard"

**Benchmark**

Brass Cap Monument for the West Quarter Corner of Section 2, T5N, R2W, SLB&M, U.S. Survey Geoid18 Orthometric height = 4301.05 feet Observed 13 August, 2025

**Title Information**

This survey was completed using First American Title Commitment No. 14253-6346846 Revision No. 02 dated August 20, 2025, issued by First American Title Insurance Company. The following survey related items circled (Solid) from Schedule B - Part II of the title report are plotted on the survey:

- 10 Certificate from the Taylor West Weber Water Improvement District, dated January 28th, 2008, complying with Section 67-1A-6.5, Utah Code Annotated, 1953, as amended and the terms, conditions and limitations contained therein, recorded May 12, 2008, as Entry No. 2340974, of County Records. (Blanket in Nature, Covers Subject Parcel)
- 11 An easement over, across or through the Land for public utilities and incidental purposes, as granted to Utah Department of Transportation by Instrument recorded November 20, 2008 as Entry No. 2376405 of Official Records and as referenced on the survey prepared by Focus Engineering and Surveying, LLC. (Plotted, Affects Easterly portion of Subject Parcel)
- 12 Effects of a Boundary Line Agreement by and among Rawson Family Partnership, LLC, a Utah limited liability company, Tou Lee Yang and Pai Yang, husband and wife, and Debra K. Wilde, wherein the parties thereto agree that common lines shall be the boundary between their respective properties, recorded November 07, 2022 as Entry No. 3262455 of Official Records. (Plotted, matches the West and South Boundary Lines.)
- 13 The following matters disclosed on that certain ALTA/NSPS Land Title Survey prepared by Focus Engineering and Surveying, LLC, having been certified under the date of June 13, 2023, as Job No. 22-0143, by Justin Lundberg, a Registered Land Surveyor holding License No. 12554439: a. Fence lines on and off boundaries as shown. (Previous survey of this parcel, reveals nothing additional.)
- 14 Terms and provisions of that certain Reciprocal Easement Agreement recorded June 15, 2023 as Entry No. 3287050 of Official Records. (Scaled in approximately, exact location not defined, Affects the Southeasterly portion of Subject Parcel) (Parcel 2)

**Record Descriptions**

The Land referred to herein below is situated in the County of Weber, State of Utah, and is described as follows:

Parcel 1: Beginning at a point along the South line of 3600 South Street which is South 88°58'00" East 884.87 feet and South 01°02'00" West 37.77 feet from the West Quarter Corner of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, that same point being a Tee in a T-Post and Wire and Vinyl fence; running thence along the South line of 3600 South Street South 89°01'21" East, a distance of 204.25 feet to the West line of UDOT Parcel 080220049 that same parcel formerly known as RAWSON SUBDIVISION NO. 1; thence along the boundary of Parcel 080220049 the following two calls; South 43°35'02" West, a distance of 129.36 feet; thence South 45°30'36" East, a distance of 178.50 feet to the West right of way of Midland Drive; thence South 46°41'52" West, a distance of 149.87 feet along Midland Drive; thence departing from the right of way of Midland Drive, North 89°41'27" West, a distance of 161.38 feet along an old wood and wire fence; thence North 04°56'48" East, a distance of 134.32 feet along a Vinyl fence; thence North 04°56'59" East, a distance of 191.09 feet along a Vinyl fence to the Point of Beginning.

The basis of bearing is North 0°51'40" East 2644.88 between the West quarter corner and the Northwest corner of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian.

Parcel 2: Easements for Access, Utility and Drainage as set forth in that Certain Proposed Reciprocal Easement Agreement made and entered into Effective June 14, 2023, by and between Coldwater Development, LLC, A Utah Limited Liability Company, and Olympus Peaks 2, LLC, a Delaware Limited Liability Company, recorded in the Office of the Weber County recorder on June 15, 2023 as Entry No. 3287050 of Official Records.

**As-Surveyed Boundary**

A part of the Southwest Quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, in the City of West Haven, Weber County, Utah:

Beginning at the point on the Southerly line of 3600 South Street; located 884.76 South 89°14'10" East along the Quarter Section line; and 40.83 feet South 0°45'50" West from a found Brass Cap Monument found marking the West Quarter Corner of said Section 2; and running thence South 88°59'52" East 204.85 feet along said Southerly line of 3600 South Street to the Northwesterly line of Lot 1, Rawson Subdivision No. 1, recorded as Entry No. 1099878 in Book 32 of Page 23 of the Official Records of Weber County; thence along the Northwesterly and Southwesterly lines of said Subdivision the following two courses: South 43°33'19" West 130.39 feet; and South 45°31'19" East 174.19 feet to the Northwesterly line of Midland Drive as it exists as a 55.00 foot half-width; thence South 44°50'31" West 149.62 feet along said Northwesterly line to a point on a line of that certain Boundary Line Agreement recorded as Entry No. 3262455 in the Official Records of Weber County; thence along said Agreement line the following three courses: North 89°41'19" West 161.95 feet; North 4°56'56" East 134.32 feet; and North 4°57'08" East 192.23 feet to said Southerly line of 3600 South Street and the point of beginning. Contains 61,418 sq. ft. or 1.410 acres

**Certification**

To Les Schwab Tire Centers, Graham Engineering, LLC, Olympus Peaks 2, LLC, a Delaware limited liability company, S-Devcorp Real Estate, INC., a Utah Corporation, and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 5, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 11(b), 16, 17, 18, 19, 20, 21 & 22 of Table A thereof. The fieldwork was completed on August 13, 2025.

Date: 30 Sep, 2025



David M. Hamilton  
Utah PLS No. 12966234

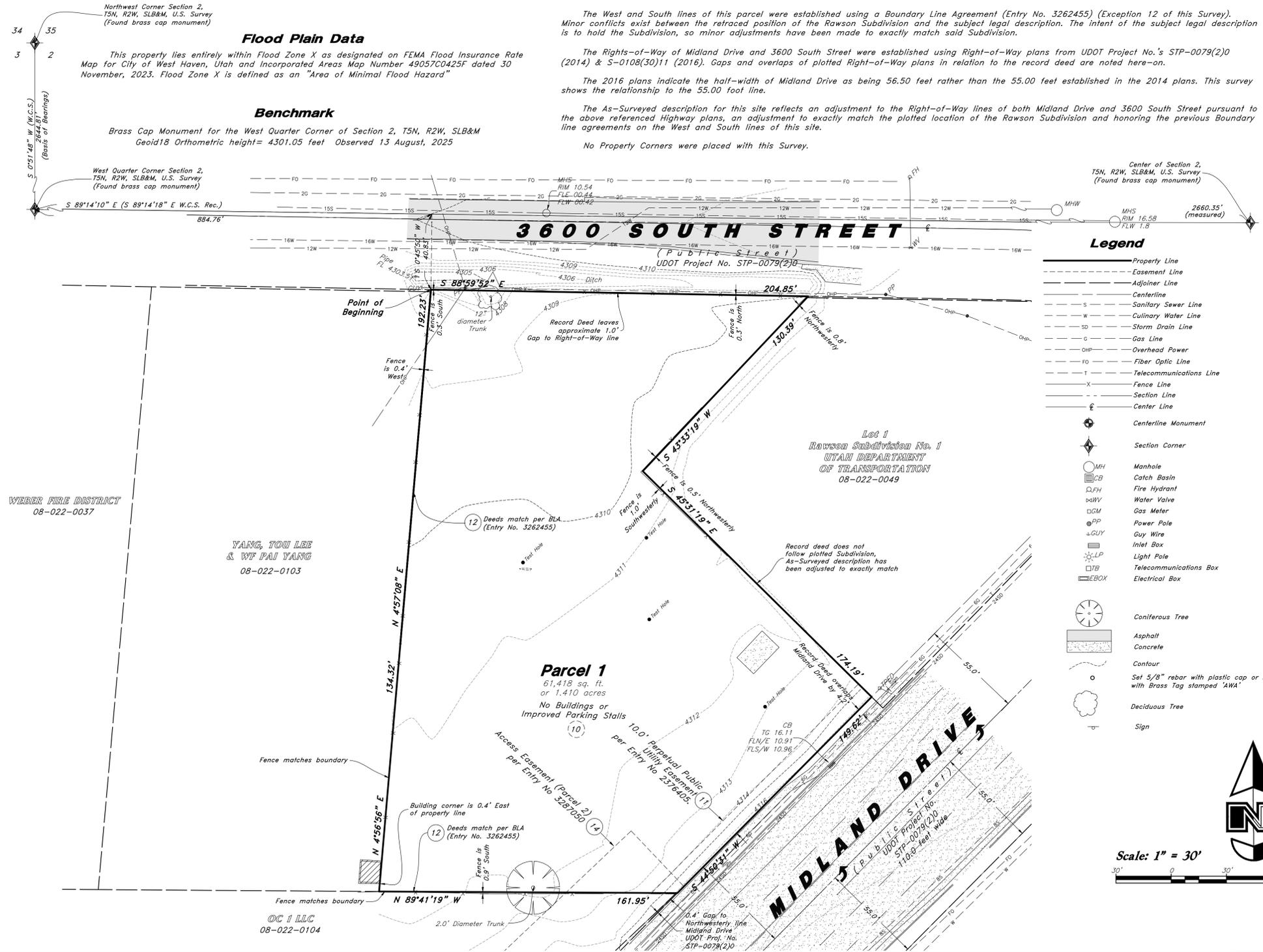
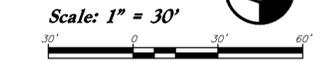


Table with columns: DESIGNED BY, DRAFTED BY, CLIENT NAME, SHEET NO. Values: JG, DH; KA; Graham Engineering; 25-141 AS



ALTA / NSPS Land Title Survey  
Les Schwab - West Haven  
3645 S. Midland Drive  
West Haven, Weber County, Utah  
A Part of the Southwest Quarter of Section 2, T5N, R2W, SLB&M, U.S. Survey

## Request for Deviation

Subject: Parking Deviation Request – Les Schwab Tire Centers – West Haven, UT

Date: 02.10.2026

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### 1.0 Introduction

This memorandum requests deviation from required parking count related to the proposed Les Schwab Tire Center in West Haven, UT.

### 2.0 Site Description

Les Schwab Tire Center is a proposed 8,275 square foot (sf) commercial development located on the west side of Midland Dr (UT-108) and south side of West 3600 South St. The 1.41-acre site is located on parcel 080220101 and is currently undeveloped. The site is zoned C-2 (Community Commercial) and is within the City of West Haven, UT. Additional site improvements include stormwater management, utility infrastructure, and a 33-stall parking area to accommodate customer traffic.

West Haven City zoning ordinance requires 1 parking stall per service bay in addition to 1 parking stall per 250 sf of building area. The required parking for this site is 40 parking stalls. Due to the existing conditions and ensuring appropriate landscape setbacks, 33 parking stalls are proposed for the site. A parking generation analysis was conducted to ensure adequate parking for the proposed tire store.

### 3.0 Parking Generation

Project-parking was forecasted using the data and methodologies described in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. Generation was found using ITE Land Use Code (LUC) 848 - Tire Store. The project forecast is summarized below:

Number of Employees: 12

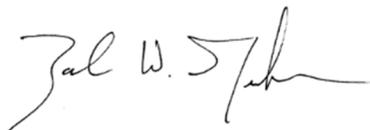
Number of Service Bays: 6

Projected Parking Required (LUC 848 / ITE 6<sup>th</sup> Edition): 20 Stalls

Proposed Parking Provided: 33 Stalls

The proposed 33 stall parking count for the site improvements can accommodate the future use.

Sincerely,



Zack Graham, PE (UT # 10599202-2202)  
Graham LLC

## West Haven Improvement Drawing Review



<b>Project</b>	Les Schwab Tire Center Preliminary Site Plan
<b>Review Cycle</b>	2 (New comments are in blue, satisfied comments are struck through)
<b>Date:</b>	2/19/2026

Code Reference	City Department	City Comment	Applicant Response
<del>157.731(C)(1)</del>	Planning	<del>The application is not yet complete. Provide a preliminary utilities plan. The review of this document may be subject to additional comments.</del>	
§157.731(C)(1)	Planning	<p>Provide a preliminary stormwater plan and will-serve letters from water and sanitary sewer service providers. The City understands that you may not be able to obtain a will serve letter from Culinary Water until after your preliminary approval, since you are proposing to change into a new district. Should verify if the property has access to secondary water. The review of these documents may be subject to additional comments.</p> <p>This staff comment, initially made on 1/22/2026, remains unsatisfied with the submittal received on 2/10/2026.</p>	

<b>§157.731(C)(1)</b>	Planning	<p><del>Provide an outdoor lighting plan. The review of this document may be subject to additional comments.</del></p> <p>Document received 2/10/2026.</p>	
<b>§157.778(A)(1)</b>	Planning	<p><i>All fixtures shall be fully shielded and installed so that no light is emitted above a horizontal plane passing through the lowest portion of the lamp.</i></p> <p>It appears that the refractive lens wall model does not comply with the code, as it may emit light above the horizontal plane at the lamp's lowest portion. Please clarify.</p>	
<b>§157.778(C)(1)</b>	Planning	<p><i>All light fixtures, including motion-sensing fixtures and security lighting, shall be aimed and shielded so the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road.</i></p> <p>The photometric plan (E1) suggests that light may exceed the property boundary at the north approach as well as at other points on the east property line. Please clarify.</p>	
<b>§157.733(D)</b>	Planning	<p><del>Frontage landscaping is required at a depth of 15' measured from the front property line. This requirement also applies to the frontage on 3600 South Street.</del></p>	
<b>§157.733(E)(4)</b>	Planning	<p>The building façade that faces Midland Drive shall be designed so that it appears the front of the building faces the street.</p>	

		<p>This staff comment, initially provided on 1/22/2026, remains unsatisfied with the submittal received on 2/10/2026.</p> <p>The upgraded architectural features discussed in the response do not satisfy the referenced code requirement. To be designed so as to appear that the front of the building faces Midland Drive, the showroom façade shall have a prominent pedestrian entrance that is oriented toward and engages Midland Drive.</p>	
<b>§157.734(A)</b>	Planning	<del>Specify the underlying material of PC-4 and PC-5 (e.g. Concrete, architectural metal, fiber cement)</del>	
<b>§157.734(A)</b>	Planning	<p>The building façade that faces Midland Drive shall consist of a minimum of 60% primary materials. Concrete is not a primary material.</p> <p>The request to consider insulated concrete panels as a primary material has been received and will require approval from the Planning Commission.</p>	
<b>§157.734(A)</b>	Planning	Verify the material callouts with their corresponding abbreviations in the Legend and percentage table. Specify the material PC-5.	
<b>§157.734(C)(5)</b>	Planning	<del>Note: The Planning Commission may approve a request for alternative materials to be considered as primary materials if it finds that the approved material is comparable to or superior to listed</del>	

		materials. You can request that exposed aggregate, stamp finish, and vertically raked concrete be counted as a primary material.	
<del>§157.734(A)(6)</del>	Planning	<p>Exterior elevations Front, Showroom, and Loading shall consist of a minimum of 15% Upgraded Architectural Features. Upgraded Architectural Features include, <u>but are not limited to:</u></p> <ul style="list-style-type: none"> <li>Alternating brick patterns;</li> <li>Archways;</li> <li>Awnings;</li> <li>Bays;</li> <li>Canopies;</li> <li>Corbels;</li> <li>Cornices;</li> <li>Decorative art (permanent);</li> <li>Donners;</li> <li>Pillars;</li> <li>Porticos;</li> </ul> <p>Callout the Upgraded Architectural Features on the elevation drawings as well as the percentage of coverage per façade.</p> <p>The revised alternating brick patterns and canopies satisfy this code requirement.</p>	
<b>§157.731</b>	Planning	<p><b>Note:</b> The comments above must be addressed before the proposal is eligible for preliminary site plan approval and, thus, scheduled for Planning Commission Review. All other comments must be addressed only</p>	

		<p>prior to final site plan approval or building permit approval.</p> <p>Once preliminary site plan approval is obtained, an application for final site plan approval can be made. The final site plan submittal shall be accompanied by civil drawings and improvement plans and shall comply with any conditions of the preliminary approval.</p>	
<b>§157.631</b>	Planning	<p><b>Exceptions.</b> <i>The city may approve alternatives to the requirements of this section if it determines, based on accepted engineering principles, that the alternate design will be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic impacts.</i></p> <p>40 stalls are required, whereas 33 are proposed. The request for an exception from the minimum parking standard has been received and will be evaluated.</p>	
<b>§157.731(C)(1)</b>	Planning	Update the table on C100 to reflect 40 parking stalls required and 33 provided. Also, add the number of ADA stalls provided.	
<b>§157.731(C)(1)</b>	Planning	Prior to final site plan approval, provide a UDOT Conditional Access Permit as proof of UDOT approval of the proposed access.	
<b>§157.731(C)(1)</b>	Planning	<del>Provide material details for the proposed trash enclosure. When visible from a public</del>	

		<del>right of way, dumpsters shall be fully enclosed with opaque fencing or walls.</del>	
<b>§157.638</b>	Planning	<del>Provide proof of the existence of the public access easement depicted on the site plan at the south corner of the property.</del>	
<b>§157.731(C)(1)</b>	Planning	<del>It appears the building elevations are a mirror image of the building shown on the site plan. Please clarify.</del>	
<b>§157.988(B)</b>	Planning	<del>Clarify the ground cover adjacent to the right of way on sheets L2.1 and L2.2. Park strips and other landscaped areas less than eight feet wide shall not be landscaped with turf.</del>	
<b>§157.988(C)(2)</b>	Planning	Prior to final site plan approval, provide an irrigation plan drawn to the same scale as the landscaping plan. The review of this document may be subject to additional comments.	
<b>§157.759(J)</b>	Planning	<p>Pole signs shall be set back from any adjoining property line one foot for each foot of the sign's height.</p> <p>This staff comment, initially provided on 1/22/2026, remains unsatisfied with the submittal received on 2/10/2026.</p>	
<b>§157.759(J)</b>	Planning	<p>No pole sign shall exceed 80 square feet.</p> <p>This staff comment, initially provided on 1/22/2026, remains unsatisfied with the submittal received on 2/10/2026.</p>	

<b>IBC</b>	<b>Building</b>	A complete geotechnical investigation will need to be completed for this site. The number of borings/test pits shall be determined by the geotechnical engineer.	
<b>IBC</b>	<b>Building</b>	Plans will need to note the slopes of all accessible parking, access aisles, and sidewalks. The running slope and cross slope on all accessible parking and access aisles shall not exceed 2% at any point. Sidewalks shall not exceed a cross slope of 2%.	
<b>§157.733(F)</b>	<b>Engineering</b>	<p>Stormwater requirements are as follows:</p> <ul style="list-style-type: none"> <li>• Design storm is a 100-yr / 24 hr event for both detention and retention</li> <li>• Allowable release rate for detention is 0.2 CFS/Acre</li> <li>• Any retained water must infiltrate within 72 hours</li> <li>• 2' separation from groundwater must be maintained for all stormwater storage facilities</li> <li>• Rational method is the preferred calculation</li> </ul>	
<b>IFC</b>	<b>Fire</b>	Your plans have been reviewed and are now ready for release. Jolene will send you an invoice. Once the invoice is paid, she will provide you with the plan review and stamped plans.	
<b>IFC</b>	<b>Fire</b>	The sprinkler and alarm plans may be deferred submittals.	
<b>§157.733(F)</b>	<b>Engineering</b>	See the attached redlined plan set.	

\*Applicant is responsible for responding to each comment as required by West Haven and Utah State Code. Submittals that fail to respond will be returned to the applicant without closure of the review cycle.

**MATERIAL LEGEND:**

- PC-1 INSULATED CONCRETE, SMOOTH (MATCH COLOR: PACIFIC PEARL)
- PC-2 INSULATED CONCRETE, SMOOTH (MATCH SW 7068 GRIZZLE GRAY)
- PC-3 INSULATED CONCRETE, VERTICAL RANDOM RAKE (MATCH SW 8261-7797-LS COLONIAL RED 2020)
- BRK-1 KING KLINKER THIN BRICK KING SIZE, RUNNING BOND, COLOR: OBSIDIAN SHADOW
- BRK-2 KING KLINKER THIN BRICK NORMAN SIZE, RUNNING BOND, COLOR: PACIFIC PEARL
- PT-1 PAINT (MATCH SW 8261-10059-LS BRONZE 2020)
- PF-1 PRE-FINISHED METAL (MATCH SW 8261-10059-LS BRONZE 2020)
- TL-1 LARGE FORMAT TILE, CORONADO STONE: GETTYSTONE - BLACK FOREST  
\*PRE MANUFACTURED CORNER PIECES TO BE USED AT ALL EXTERIOR CORNERS



PERSPECTIVE



MATERIAL PERCENTAGE FRONT ELEVATION	
TOTAL AREA	3,087 SF
PC-1	2.8%
PC-3	12.4%
PC-5	3.8%
BRK-1	15.8%
BRK-2	25.0%
TL-1	1.4%
WINDOWS	21.5%
AWNING	1.6%
<b>TOTAL</b>	<b>65.3%</b>

PERCENTAGE OF ELEVATION IMPROVEMENTS	
TOTAL AREA	3,087 SF
BRK-1	15.8%
BRK-2	25.0%
TL-1	1.4%
WINDOWS	21.5%
AWNING	1.6%
<b>TOTAL</b>	<b>65.3%</b>

FRONT ELEVATION  
 1/8" = 1'-0"



MATERIAL PERCENTAGE SHOWROOM ELEVATION	
TOTAL AREA	1,396 SF
PC-1	24.0%
PC-3	9.6%
PC-5	16.4%
BRK-1	6.0%
BRK-2	10.4%
TL-1	9.0%
WINDOWS	18.6%
DOORS	0.0%
AWNING	6.0%

PERCENTAGE OF ELEVATION IMPROVEMENTS	
TOTAL AREA	1,396 SF
BRK-1	6.0%
BRK-2	10.4%
TL-1	9.0%
WINDOWS	18.6%
AWNING	6.0%
<b>TOTAL</b>	<b>50.0%</b>

SHOWROOM ELEVATION  
 1/8" = 1'-0"

3613 MIDLAND DR., WEST HAVEN, UTAH  
 6 BAY MVP STORE - PROTOTYPE Q1.1 2026  
**LES SCHWAB TIRE CENTER - WEST HAVEN, UTAH**

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ENTITLEMENT

02.05.2026  
 PROJECT# | 2606  
 DESIGNED BY | NC  
 DRAWN BY | DM  
 REVISIONS

EXTERIOR ELEVATIONS

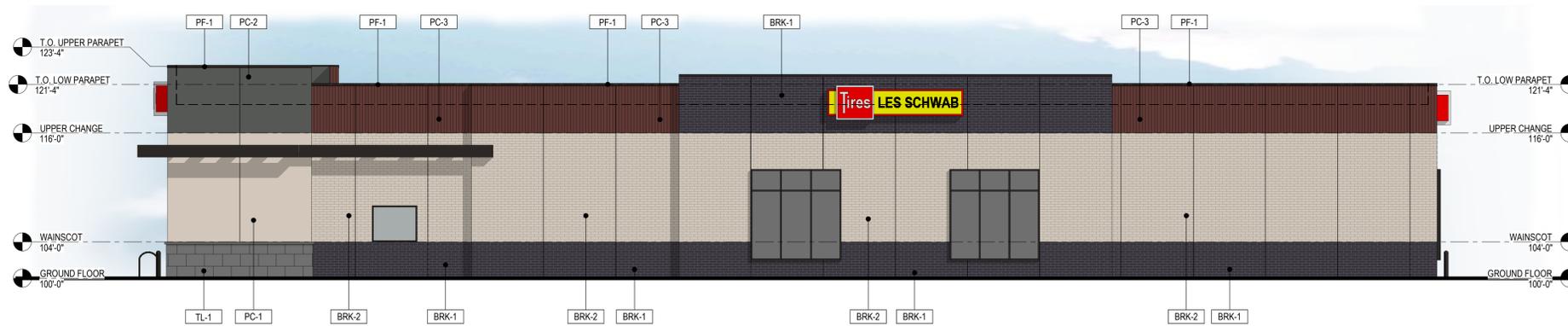
**A2.1**



PERSPECTIVE

MATERIAL LEGEND:

- PC-1 INSULATED CONCRETE, SMOOTH (MATCH COLOR: PACIFIC PEARL)
- PC-2 INSULATED CONCRETE, SMOOTH (MATCH SW 7068 GRIZZLE GRAY)
- PC-3 INSULATED CONCRETE, VERTICAL RANDOM RAKE (MATCH SW 8261-7797-LS COLONIAL RED 2020)
- BRK-1 KING KLINKER THIN BRICK KING SIZE, RUNNING BOND, COLOR: OBSIDIAN SHADOW
- BRK-2 KING KLINKER THIN BRICK NORMAN SIZE, RUNNING BOND, COLOR: PACIFIC PEARL
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- TL-1 LARGE FORMAT TILE, CORONADO STONE: GETTYSTONE - BLACK FOREST  
\*PRE MANUFACTURED CORNER PIECES TO BE USED AT ALL EXTERIOR CORNERS



REAR ELEVATION

1/8" = 1'-0"

MATERIAL PERCENTAGE REAR ELEVATION	
TOTAL AREA	3,081 SF
PC-1	5.6%
PC-3	13.3%
PC-5	3.9%
BRK-1	24.9%
BRK-2	41.9%
TL-1	2.0%
WINDOWS	0.8%
FAUX WINDOWS	6.0%
DOORS	0.0%
AWNING	1.6%

PERCENTAGE OF ELEVATION IMPROVEMENTS	
TOTAL AREA	3,081 SF
BRK-1	24.9%
BRK-2	41.9%
TL-1	2.0%
WINDOWS	0.8%
FAUX WINDOWS	6.0%
AWNING	1.6%
TOTAL	77.2%



LOADING ELEVATION

1/8" = 1'-0"

MATERIAL PERCENTAGE LOADING ELEVATION	
TOTAL AREA	1,266 SF
PC-1	0.0%
PC-3	25.0%
PC-5	0.0%
BRK-1	12.0%
BRK-2	40.0%
TL-1	0.0%
FAUX WINDOWS	16.0%
DOORS	7.0%
AWNING	0.0%

PERCENTAGE OF ELEVATION IMPROVEMENTS	
TOTAL AREA	1,266 SF
BRK-1	12.0%
BRK-2	40.0%
FAUX WINDOWS	16.0%
TOTAL	68.0%

3613 MIDLAND DR., WEST HAVEN, UTAH  
6 BAY MVP STORE - PROTOTYPE Q1.1 2026

LES SCHWAB TIRE CENTER - WEST HAVEN, UTAH

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ENTITLEMENT

02.05.2026  
PROJECT# | 2606  
DESIGNED BY | NC  
DRAWN BY | DM  
REVISIONS

EXTERIOR ELEVATIONS

A2.2

**Planning Commission  
Staff Review Memo**

February 25, 2026

Damian Rodriguez, Planner



**CONDITIONAL USE PERMIT REVIEW**

**Request:** Approval of a CUP for a Home Occupation  
**Property Location:** 4267 S 3450 W  
**Property Zone:** Mixed Use  
**Property Size:** 0.15 acres (6,332 square feet)  
**Applicant:** Russell Burton

**Governing Document(s):** WHZC §157.520 & §157.881(B)  
**Decision Type:** Administrative  
**Staff Recommendation:** Approve

Image 1: Site Aerial



**I. BACKGROUND**

Mr. Russell Burton, the applicant and owner of the property at 4267 S 3450 W (the subject property), is requesting that the Planning Commission approve a Conditional Use Permit to allow a Home Occupation that utilizes space outside of the main home on the subject property.

On February 2<sup>nd</sup>, the applicant applied for a business license to operate a floor covering installation business as a Home Occupation at the subject property. In the business license application, it was specified that there would be space outside the main building used in conjunction with the requested home occupation, including vehicle and trailer storage on the side of the home and storage of tools in the garage. Per the home occupation conditions of §157.881, the use of the business of any yard or space outside the main building, not normally associated with residential use, is approvable only by the issuance of a conditional use permit from the Planning Commission.

See the attached business license application and conditional use permit application for more details.

Image 2: Proposed Storage Areas On-Site



## II. **STAFF REVIEW**

Staff's review of the proposed site plan as it pertains to the requirements of the West Haven Zoning Code is as follows:

### **Use**

The use would be classified as a home occupation, a permitted use in the zone, or a conditional use when an area outside of the home is proposed for use with the business.

**§157.520 Conditional Use Standards**

Note that not all standards for Conditional Use Permit approval are addressed by staff, but staff provided findings only for those standards that are immediately relevant to the proposed use.

*(A) General plan. The proposed use conforms to policies of the city’s general plan.*

**Findings:** A home occupation, when approved by the Planning Commission in accordance with the zoning code, does conform to the policies of the West Haven City General Plan.

*(B) Site design. The use is well-suited to the character of the site and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area.*

**Finding:** Staff finds the use to be well-suited to the site's character. Consistent with most contractor services, the work is performed at the job site, which is removed from the residence and has little potential to cause nuisances at the residence or the subject property.

However, the proposed use, as it relates to the site design, is not entirely consistent with the zoning ordinance regarding parking. See the Parking subsection below for the staff’s findings and the associated recommendation.

*(C) Access. Access to the site avoids traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street.*

*(D) Circulation. On-site vehicle circulation and truck loading areas mitigate adverse impacts on adjacent property.*

*(E) Parking. The location and design of off-street parking complies with standards of this subchapter.*

**Finding:** Per the required conditions of a home occupation established by the zoning ordinance (§157.882), all business-related vehicles must be parked behind the front plane of the home, in a garage, or on a non-permeable surface. The applicant proposes parking a truck and trailer on the side of the home, indicated in red on image 2, on an unimproved surface. This aspect of the proposal is not consistent with the home occupation code.

Additionally, §157.639 provides the following standard regarding off-street accessory vehicle parking in a required side yard setback.

*No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete, gravel or asphalt and unless the parking area is directly connected to the driveway serving the main dwelling unit.*

Staff recommends the following condition of approval:

- A parking pad of concrete or asphalt is provided on the side of the home where the business-related parking and trailer storage is proposed, and a driveway is constructed to access said parking pad, and said parking pad is graded so as not to drain onto the abutting neighbor's property.

*(F) Refuse collection. The locations and design of the refuse collection areas are not likely to create an adverse impact on the occupants of adjoining property.*

*(G) Utility services. Utility capacity supports the use at normal service levels.*

*(H) Screening. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening, and landscape treatments and other features increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts.*

**Finding:** There is potential for a negative visual impact from the proposed truck and trailer storage on the side of the home; however, staff feels this potential is not great enough to warrant additional mitigation. If the commission is so inclined, a screening condition can be applied, perhaps in the form of an opaque fence gate.

*(I) Operating hours. The hours of operation of the use and delivery of goods are not likely to adversely affect surrounding uses.*

**Finding:** The proposed hours of operation, 9:00 am to 5:00 pm, are consistent with the home occupation code and in keeping with the quiet, peaceful, and tranquil character that should prevail within a residential community.

*(J) Signs. Sign size, location, and lighting are compatible with, and do not adversely affect, surrounding uses.*

**Finding:** No signage is proposed with this home occupation request.

*(K) Public services. Public facilities such as streets, water, sewer, storm drainage, public safety, and fire protection are adequate to serve the use.*

*(L) Environmental impact. The use does not significantly adversely affect the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard to the premises or any adjacent property.*

*(M) Nuisance. Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation.*

**Finding:** There are no nuisances anticipated by staff that aren't mitigated through the staff's recommended condition(s) of approval.

**§157.881 Home Occupation Conditional Use Standards**

Per §157.880, home occupations that are conditional in use are subject to the following three additional criteria of approval:

*(a) Will the business produce, or be likely to produce, noise, odors, dust, or smoke that extends beyond the property?*

**Finding:** There is no noise, odors, dust, or smoke presumed to be produced by the business that is not sufficiently mitigated in the proposal.

*(b) Will the business produce, or be likely to produce, vehicular traffic such that it becomes a nuisance or a hazard?*

**Finding:** The business will not produce vehicle traffic that becomes a nuisance or a hazard in the neighborhood. Customers will not be coming to the subject property, but all work and will be done at the individual job sites.

*(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?*

**Finding:** The applicant has indicated that the use or storage of such chemicals will not occur at the residence with their requested business.

**III. RECOMMENDED ACTION**

Based on the findings listed in Section II of this report, the staff recommends that the Planning Commission move to **approve** the requested Conditional Use Permit for the home occupation at 4267 S 3450 W, finding that there are no detrimental effects of the proposed land use that can be reasonably anticipated that are not sufficiently mitigated when the staff-recommended conditions of approval are applied.

**IV. POSSIBLE MOTION**

**Approve with conditions (staff recommended):**

Motion to approve the requested Conditional Use Permit for a home occupation at 4267 S 3450 W, finding that all anticipated detrimental effects of the proposed land-use are sufficiently mitigated when the following conditions of approval are applied:

1. A parking pad of concrete or asphalt is provided on the side of the home where the business-related parking and trailer storage is proposed, and a driveway is constructed to access said parking pad, and said parking pad is graded so as not to drain onto the abutting neighbor's property.

**Approve with modified conditions:**

Motion to approve the requested Conditional Use Permit for a home occupation at 4267 S 3450 W, finding that all anticipated detrimental effects of the proposed land-use are sufficiently mitigated when the following conditions of approval are applied:

[List Conditions]

**Approve Outright:** Motion to approve the requested Conditional Use Permit for the home occupation at 4267 S 3450 W, finding that there are no reasonably anticipated detrimental effects of the land use that are not sufficiently mitigated.

# Burton

02/09/2026 - 02/08/2027

## Conditional Use Permit

General

Permit/License #

9033422

Reference Number

30c871e0-0602-11f1-84c5-f9218076113a

Application Status

New

Status

Active

## Application Review Status

Pre-Review

Reviewing

Date Submitted

Final-Review

Not Reviewed

02/09/2026

## Fees

CUP Fee 1

\$110.00

**Subtotal**

**\$110.00**

**Amount Paid**

**\$0.00**

## Payments

There are no payments

## Application Form Data

(Empty fields are not included)

Applicant First Name

Russell

Applicant Last Name

Burton

Contact Email

[REDACTED]

Phone Number

[REDACTED]

Address

[REDACTED]

City

West Haven, UT

State

UT

---

Zip Code

**84401**

---

Owner Name

**Russell Burton**

---

Owner Email

[REDACTED]

---

Owner Phone

[REDACTED]

---

Address

[REDACTED]

---

City

**West Haven, UT**

---

State

**UT**

---

Zip Code

**84401**

---

Upload complete and notarized Owner/Agent Authorization form

 **Owner-Agent Affidavit Fillable Form.pdf**

---

Property Address

[REDACTED]

---

City

**West Haven, UT**

---

State

**UT**

---

Zip Code

**84401**

---

Parcel #

**084520012**

---

Property Zone (select all that apply)

**R-1**

---

Property Size (in acres)

**.25**

---

Briefly Describe Conditional Use Request

No business is conducted at this home location. Only storing in garage work tools, some flooring materials and using the outside side driveway for parking one small trailer and small work pickup truck

---

Does the proposed use conform with the General Plan?

**Yes**

---

Does the utility capacity support the proposed use at normal service levels?

**Yes**

---

Are there adequate public services to support the proposed use, including streets, water, sewer, storm drainage, public safety and fire protection?

**Yes**

---

What are the proposed Operating Hours?

**No onsite business will be done at this location**

---

Are there any environmental impacts? This includes affecting the quality of surrounding air and water, storming chemicals, or introduce any hazard to the premises or any adjacent property?

**No**

---

Will the operation of the use create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, light, electromagnetic disturbance, or radiation?

**No**

---

Please submit a site plan containing the following: Access, traffic circulation, parking, refuse collection, signage, location of any buildings, and landscape area.

 [Site Plan.pdf](#)

---

Before proceeding, ensure that your request meets each of the following requirements

**GENERAL PLAN:** The proposed use conforms to policies of the city's general plan, **SITE DESIGN:** The use is well-suited to the character of the site and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area, **ACCESS:** Access to the site avoids traffic and pedestrian conflicts and does not unreasonably impact the service level of any adjacent street, **REFUSE COLLECTION:** The locations and design of the refuse collection areas are not likely to create an adverse impact on the occupants of adjoining property, **UTILITY SERVICES:** Utility capacity supports the use at normal service levels, **SCREENING:** The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts. Fencing, screening, and landscape treatments and other features increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts, **OPERATING HOURS:** The hours of operation of the use and delivery of goods are not likely to adversely affect surrounding uses, **SIGNS:** Sign size, location, and lighting are compatible with, and do not adversely affect, surrounding uses, **PUBLIC SERVICES:** Public facilities such as streets, water, sewer, storm drainage, public safety, and fire protection are adequate to serve the use, **ENVIRONMENTAL IMPACTS:** The use does not significantly adversely affect the quality of surrounding air and water, encroach into a waterway or drainage area, or introduce any hazard to the premises or any adjacent property, **NUISANCE:** Operation of the use is unlikely to create any nuisance from noise, vibration, smoke, dust, dirt, odor, noxious matter, heat, glare, electromagnetic disturbance, or radiation

---

I confirm that my request conforms with the CUP requirements outlined above.



---

## Signature

I agree that the facts stated in this application are authentic, and I'll tell you about changes.

Electronically Signed

Russell James Burton - 02/09/2026 2:56 pm

# RJB Contractors LLC

02/04/2026 - 12/31/2026

## Business License

General

Application Status

Awaiting Final Approval

Permit/License #

9318018

Reference Number

a599bbc0-01ff-11f1-b104-01810d12d385

Status

Active

## Application Review Status

Pre-Review

Approved

Date Submitted

02/04/2026

Planning & Zoning

Changes Needed

*157.881(A)(1): A Conditional Use Permit (CUP) is required to permit any home occupation that utilizes any accessory building, garage, or space outside of the home. You can apply for a Conditional Use Permit on the City's website, on the Forms page.*

<https://www.westhavenut.gov/forms.php>

*157.882(E): The parking of business-related vehicles shall remain behind the front plane of the home, in a garage or on a non-permeable surface. Provide a site plan that specifies the location of the business parking with material details.*

*You can reach out to the City Planner with any questions related to the above corrections.*

*Damian Rodriguez*

*E: [damianr@westhavenut.gov](mailto:damianr@westhavenut.gov)*

*P: 385-389-2686*

Final-Review

Not Reviewed

## Fees

Home Occupation Fee \$50.00

**Subtotal \$50.00**

**Amount Paid \$0.00**

## Payments

There are no payments

---

# Application Form Data

(Empty fields are not included)

Application Type

**New Business**

---

Registered Business Name

**RJB Contractors LLC**

---

State Sales Tax #

**N/A**

---

Federal EIN #

**[REDACTED]**

---

State License Number

**14657486-0160**

---

Type of Business

**Home Occupation**

---

Business Description

**Floor covering installation**

---

Hours of Operation

**9-5**

---

Business Phone

**[REDACTED]**

---

Business Email

**[REDACTED]**

---

Date your Business is Opening

**02/09/2026**

---

Will this business require a beer/liquor license?

**No**

---

Owner First Name

**Russell**

---

Owner Last Name

**Burton**

---

Phone Number

**[REDACTED]**

---

Email

[REDACTED]

Mailing Address

[REDACTED]

City

**WEST HAVEN**

State

**UT**

Zip Code

**84401**

Business Location

[REDACTED]

City

**WEST HAVEN**

State

**UT**

Zip Code

**84401**

Is this building or property leased or rented?

**No**

Do the individual(s) who own and operate the business also live at the residence?

**Yes**

How many employees does the business have or plan to have?

**1**

Detail employee parking plan

**Side space of property for parking trailer and truck**

Does the business use any accessory building, garage, yard, or space outside the main building not normally associated with residential use?

**Yes**

Please explain business use:

**Side space of property for parking tool trailer and truck, will also use garage space for storing any materials and tools for flooring installation services**

Does the business use, produce or store hazardous chemicals as defined in UCA § 19-6-302?

**No**

Will the business allow the residence to retain the general character and appearance of the residential dwelling?

**Yes**

---

Will the home occupation remain secondary to the residential use of the dwelling?

**Yes**

---

Does this home already have a business license for another home occupation?

**No**

---

Will there be any business-related vehicles on the property?

**Yes**

---

Describe where these vehicles will be parked

**Small truck and trailer on side of the house**

---

Will there be any signs related to the home occupation?

**No**

---

Applicant First Name

**Russell**

---

Applicant Last Name

**Burton**

---

Email

[REDACTED]

---

Phone

[REDACTED]

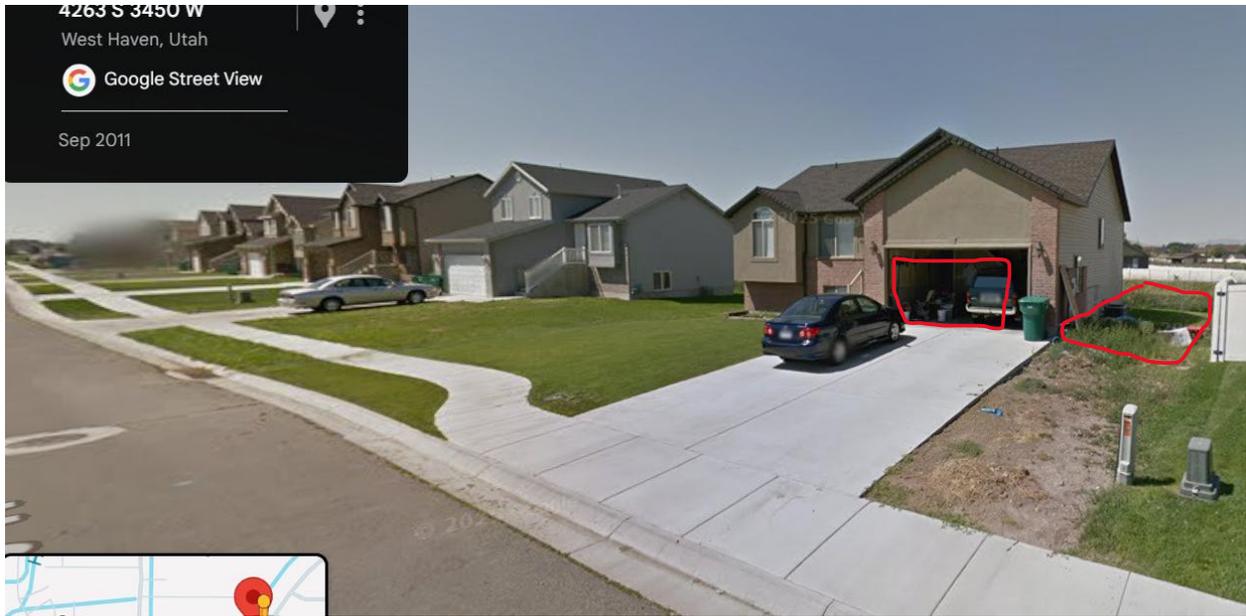
---

## Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Electronically Signed

**Russell James Burton - 02/04/2026 12:28 pm**



Garage are will hold flooring installation tools for off site installation services.

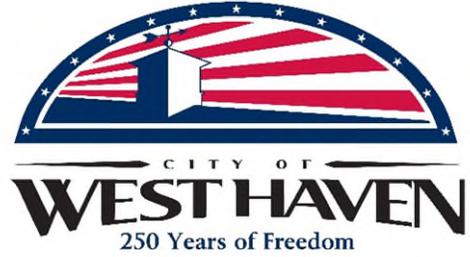
The side of house area will have a small pickup truck with a small utility trailer.

No business is conducted on site at any time. All my installation services are conducted at job site (residential homes that hire for services).

# Planning Commission Staff Review Memo

February 25, 2026

Stephen Nelson, Community Development Director



## Amendment of the Planning Commission's Policies and Procedures

<b>Proposal:</b>	Discussion of the Planning Commission's policies and procedures
<b>Ordinance Section:</b>	<b>§ 32.02 PLANNING COMMISSION</b>
<b>Applicant:</b>	The Planning Commission
<b>Decision Type:</b>	Legislative
<b>Staff Recommendation:</b>	Provide feedback on the draft.

### I. BACKGROUND

West Haven City Code **§ 32.02 (C)** states:

*(4) The Planning Commission may adopt such policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes as the Commission may, from time to time, consider to be necessary for the functioning of the Planning Commission.*

*(5) The policies and procedures adopted by the Commission must be approved by the City Council before taking effect.*

Several members of the Planning Commission have requested a review of the current adopted Policies and Procedures. This document contains the general rules of order and procedure governing Planning Commission meetings and decorum. These rules are drafted and recommended by the Planning Commission, but must obtain final approval from the City Council.

One of the main concerns raised is that the document is too long and complicated, and there has been a request to simplify it and generally make it more comparable to the City Council's Policies and Procedures (attached). Staff have reviewed and identified a couple of changes that staff feel are appropriate. As such, the proposed change has eliminated large sections and replaced them with simplified rules of a general quorum. The primary changes are as follows:

- Replaced section IV Procedure Order of Business with IV Basic Policies for West Haven Planning Commission Meetings. This section now summarizes the majority of the sections that have been altered in this proposed draft.
- Removed sections V Order and Decorum, VI Procedure Motions, VII Procedure Reconsideration, and VIII Documents of the Commission. Some of the main topics of each of these sections have been shortened and summarized in the new section IV.
- Public Hearing Rules have been added to Section IV.
- There are a number of other changes contained in the redline version attached with the goal of clarifying and simplifying other sections.

## II. Recommendation

Staff recommends that the Planning Commission review and discuss the proposed updates to the rules of order, taking into consideration how these updates will be implemented and function in guiding the Planning Commission in future meetings. By code, the Planning Commission adopts “such policies and procedures”, but they “must be approved by the City Council before taking effect” § 32.02 (C)(4)-(5). As such, after the Planning Commission adopts the proposal, it will be taken to the City Council for their consideration.

**Recommend Approval:** Motion that the Planning Commission adopt and recommend that the City Council approve the proposed updates to the Planning Commission Policies and Procedures.

**Recommend Approval with Conditions:** Motion that the Planning Commission adopt and recommend that the City Council approve the proposed updates to the Planning Commission Policies and Procedures, with the following conditions/amendments:

[insert conditions or amendments]

**Table:** Motion to table the discussion and consideration of the proposed update to the Planning Commission Policies and Procedures:

[insert conditions or direction for changes that need to be made]

**Deny:** Motion that the Planning Commission deny the adoption of the draft proposed updates to the Planning Commission Policies and Procedures.

## POLICIES AND PROCEDURES OF THE PLANNING COMMISSION

### I. ORGANIZATION

- A. Appointment of Chair and Vice-Chair: The Planning Commission, during the first regular meeting in the new calendar year, and at other times as required, the members of the Commission shall nominate One (1) of their members as chair and one (1) of their members as vice-chair.
- B. Chair - Duties
1. The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:
    - a. Announcing the business before the Commission in the order in which it is to be acted upon;
    - b. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
    - c. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
    - d. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
    - e. Maintaining order at the meetings of the Commission;
    - f. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
    - g. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
    - h. Receiving documents or other physical evidence as part of the record.
  2. It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.
  3. The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.
- C. Duties of the Vice-Chair: The Vice-Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.
- D. Temporary Chair: In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.
- E. ~~Deputy City Recorder~~~~Secretary~~ – The Deputy City Recorder or designee of the City ~~Manager~~~~Administrator~~ shall serve as secretary of the Commission. The ~~Deputy City Recorder~~~~secretary~~ shall have the following duties:
1. Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to

receive and bring to the attention of the Commission messages and other communications from other sources;

2. Keep the minutes of the proceedings of the Commission and to record the same;
3. Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
4. Perform such other duties as may be required by these rules or law.

## II. CONDUCT OF MEMBERS OF THE COMMISSION

- A. Addressing Members: Commission members shall be addressed respectfully ~~by not only not only~~ by each other but also by members of the public.
- B. Preparation: Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.
- C. Members Shall Attend Meetings: Every member of the Commission shall attend the meetings of the Commission, by Zoom or electronic means (including by phone) or in person. Any member desiring to be absent from a meeting shall notify the ~~secretary~~ Deputy City Recorder of the reason for the absence. The ~~secretary~~ Deputy City Recorder shall call the same to the attention of the Chair and the reason for the absence shall be placed on the record. If a member is late to a meeting because of work or traffic, this will not be counted against them regarding the attendance requirement. If a member of the Planning Commission is absent from three regular meetings within a calendar year, the Chair shall notify the Mayor, shall provide the reasons that the member gave for being absent, and shall recommend to the Mayor whether or not that member should be removed from the Commission for cause. The Mayor is authorized, in his/her sole discretion, to grant an exception to the attendance policy for good cause shown. A member may be removed from office for misconduct or failure to comply with attendance requirements in accordance with the Planning Commission Ordinance.

D. Planning Commission members shall attend required training.

E. ~~Members are required to disclose actual or potential conflicts of interest between their public duties and their personal interests. Under most conflict of interest situations, Planning Commission Members should recuse themselves from participating in discussion on and abstain from voting on a matter if they have a substantial interest in the item before the Council, and to avoid participating in the discussion as well. "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity. See Utah Code Section 10-3-1301 et seq. for additional direction on conflicts of interest.~~

~~D.~~

E. ~~Conflict of Interest: A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission. The Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should~~

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withdraw from participation and voting. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting. A Commissioner who has a conflict of interest shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon.

~~1. Disqualification:~~

~~a. No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:~~

~~1. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.~~

~~2. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.~~

~~2.1. Disclosure of Potential Conflict of Interest: Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.~~

~~3.2. Ex Parte Contacts: An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Communications regarding legislative matters are generally permitted.~~

~~a. Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.~~

~~4. Planning Commission Members Wishing to Give Comment: A member who desires to make comments at a meeting may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting, the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he/she can fully participate in the matter.~~

~~5.3. Gifts and Favors: Gifts and favors standards are found in UCA §67-16-5. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any~~

gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 (fifty dollars) or an award publicly presented in recognition of public service.

~~6. Treatment of Information: Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information. Communication with planning staff members is not an ex parte contact and is allowed.~~

~~7. Political Activity: Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.~~

### III. MEETINGS

A. Place: Meetings of the Commission shall be held in the West Haven City Council Chambers in the West Haven City Municipal Building, located at 4150 S 3900 W., West Haven, Utah. The meeting can also be held by Zoom or other electronic means as long as public notice is provided and the public is provided the opportunity to view and participate in the meeting. If the location is not available on meeting dates, then the meeting may be held in the location specified in the public notice or at such other place in West Haven as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within West Haven City for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

~~B. Regular Meetings: Regular meetings of the West Haven City Planning Commission shall be held on the second and fourth Wednesday of each month at 6:00 p.m. Field trips may be held at the times of regular scheduled work sessions. Field Trips of 3 or less commission members may occur whenever necessary (Not a quorum).~~

~~B.~~  
C. The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

D. Work Sessions: A work session of the West Haven City Planning Commission may be held before each regularly scheduled meeting beginning at 5:00 p.m. or as designated by the Chair of the Planning Commission and noticed to the public.

~~1. Work sessions may be held as part of a regular Commission meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.~~

E. Meetings - Matters Considered: Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

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- F. Quorum: Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.
- G. Open Meetings Law: All meetings of the Planning Commission shall be open to the public, unless otherwise allowed by the Utah Open and Public Meetings Act. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.
- H. Length of Meetings: With a majority vote of the Planning Commission at 9:30 p.m. or later, the Commission shall finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration. Public Hearings must be completed in the meeting they were publicly noticed, regardless of the length of the meeting.

**IV. BASIC POLICIES FOR WEST HAVEN PLANNING COMMISSION MEETINGS**

- A. An item scheduled for the agenda can be rescheduled for a different date by a vote of the majority of the members of the Planning Commission.
- B. The Chair must recognize Members wishing to make a motion or enter a debate in the order in which they request recognition.
- C. The Chair must ask for a motion and a second to the motion on each item on the agenda. Any motion receiving a second will be discussed by the Planning Commission.
- D. Any Member may call for a vote on the motion at any time. A vote will then be held on the motion.
- E. Member packets will be distributed before a scheduled meeting.
- F. A public hearing is defined as a meeting that provides citizens the opportunity to express their position on the issue under consideration, both pro and con, after due notice. Citizens may observe and comment as provided by the Planning Commission's rules but this is not a forum for a debate with the Planning Commission.
- G. Rules Governing Public Hearings
  - 1. Each speaker will be limited to a single opportunity to speak and shall direct comments only to the Commission.
  - 2. Such opportunity may not exceed two (2) minutes, as has been determined by the Chair, as outlined in Resolution 28-2021
  - 3. In accordance with Resolution 28-2021, the Chair may refuse to recognize or may exclude from the public hearing anyone who:
    - a. Is disorderly, abusive, or disruptive;
    - b. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;
    - c. Comments without first receiving recognition from the Chair and stating his/her full name and residence; or

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- d. ~~Presents irrelevant, immaterial, or repetitious evidence.~~
- 4. ~~Comments and questions raised by speakers will not be addressed or answered by Staff or Commissioners during the hearing but will be addressed upon conclusion and closure of the hearing.~~

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H. ~~Applicants or their Agents shall be provided with adequate opportunity to speak on behalf of their applications, including providing an initial presentation, answering questions, and providing any rebuttal. The Planning Commission and City staff shall be provided with an opportunity to ask questions to representatives of an application. The applicant or their agent shall follow the general rules of decorum and shall only address the Commission when invited by the Chair.~~

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I. ~~Any citizen desiring an item be placed on an agenda should submit, in writing, a description of the proposed agenda item, a rationale for placing the item on the agenda, and all background information needed for the Planning Commission to make a decision. The Community Development Director, or his/her designee, will consult with the Chair to before placing the item on any agenda. If both the Chair and Community Development Director agree, the item may be placed on the next agenda.~~

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#### ~~IV.J. PROCEDURE – ORDER OF BUSINESS~~

A. ~~Order of Business: The order of business in the Commission shall be as follows:~~

- 1. ~~Chair opens the meeting and welcomes those in attendance~~
  - a. ~~Chair calls on a member of the Commission or designee to offer the pledge of Allegiance~~
  - b. ~~Chair calls on a member of the Commission to offer a prayer of their choice~~
  - c. ~~The Chair will recognize the commission members absent, and the Secretary shall record the same and it shall be entered on the record.~~
  - d. ~~Approval of minutes of prior meetings~~
  - e. ~~City Staff, generally the City Planner, shall inform Commissioners of actions taken by the City Council with regards to Planning Commission matters.~~
  - f. ~~Chair asks commissioners if there are any ex parte communications or conflicts of interest to disclose, members are responsible to disclose if chair fails to ask.~~
  - g. ~~Petitions, Applications, and Public Hearings as they appear on the public meeting agenda.~~
  - h. ~~Chair may adjourn the meeting upon completing of the agenda items.~~

B. ~~Agenda for Meetings: The Secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The Secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least six (6) days in advance of a regular meeting.~~

C.K. ~~Deadline for Agenda: Requests to be on a Planning Commission agenda shall be filed fifteen (15) days prior to the meeting for consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Community Development Director or their designee if he/she determines that good cause exists for waiving the deadline, the application is complete, and it is determined that Staff has sufficient time to analyze the request, adequately prepare a Staff Report, and give proper notice.~~

D. ~~Special Order of Business: The Commission may suspend the rules as to the order of business, or return to an order already passed or tabled, on a motion supported by a majority of the members present.~~

## V. ORDER AND DECORUM

~~A. Order of Consideration of Items: The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be re-arranged by the Chair for individual items, if necessary, for the expeditious conduct of business:~~

- ~~1. Chair introduces item;~~
- ~~2. Staff makes a presentation on the criteria, standards, and recommendations regarding the proposed project;~~
- ~~3. Planning Commission members may make questions of applicant or applicant's agent or staff;~~
- ~~4. Open Public Hearing, if applicable;
  - ~~a. Chair will open a public hearing with a vote and close a public hearing with a vote when there are no more comments.~~
  - ~~b. Any opponents and/or proponents may comment after being recognized by the chair.~~~~
- ~~5. Applicant's rebuttal if requested;~~
- ~~6. Concluding comments of Staff or Staff summary and recommendations;~~
- ~~7. Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should be asked while the public hearing is open. The Chair outlines possible actions: approvals, disapproval, continue, or approval with conditions.~~

~~B. Consideration of Items: All parties shall have an opportunity to be heard, to present, and rebut evidence before an impartial tribunal in an orderly manner, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.~~

- ~~1. The Chair of the Planning Commission shall have authority to:
  - ~~a. Regulate the course and decorum of the meeting.~~
  - ~~b. Dispose of procedural requests and similar matters.~~
  - ~~c. Question any person appearing and allow other members to question any such person.~~
  - ~~d. Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.~~
  - ~~e. Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.~~
  - ~~f. A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.~~
  - ~~g. Time Limits: The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.~~~~
- ~~2. Conduct of Persons before the Commission: Proceedings shall at all times be orderly and respectful:
  - ~~a. The Chair may refuse to recognize or exclude from the hearing anyone who:
    - ~~i. Is disorderly, abusive, or disruptive;~~
    - ~~ii. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;~~~~~~

- iii. ~~Comments without first receiving recognition from the Chair and stating his/her full name and residence; or~~
- iv. ~~Presents irrelevant, immaterial, or repetitious evidence.~~
- b. ~~Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.~~

## VI. PROCEDURE—MOTIONS

A. ~~Making of Motions: Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.~~

### B. ~~Withdrawing or Modifying a Motion:~~

- 1. ~~When a motion has been made but not yet voted on, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."~~
- 2. ~~If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.~~
- 3. ~~If a motion is modified, the second may withdraw his/her second.~~
- 4. ~~After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.~~

### C. ~~Motions in Order During Debate:~~

- 1. ~~When a question is under debate, no motion shall be received except:~~
  - a. ~~To continue, table, or postpone indefinitely to a specified time;~~
  - b. ~~To amend; to substitute;~~
  - c. ~~Refer to committee;~~
  - d. ~~Previous question (immediately close debate) or call for a vote;~~
  - e. ~~Limit or extend limits of debate;~~
  - f. ~~Take a recess;~~
  - g. ~~Call for orders of the day;~~
  - h. ~~Suspension of the rules;~~
  - i. ~~Appeal rulings by the Chair; or~~
  - j. ~~Reconsider an undebatable motion.~~
- 2. ~~Motion must be Germane: No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.~~

3. ~~Motions to Deny: Where a motion to deny a request has been defeated, a member of the Commission may make another motion to dispose of the issue.~~
4. ~~Substitute Motions: A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.~~
5. ~~Amendments: All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.~~
6. ~~Friendly Amendments: A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically, such motions are appropriate for clean up items or an issue discussed but inadvertently neglected by the maker of the motion.~~

#### ~~VII. PROCEDURE RECONSIDERATION~~

- A. ~~Motion to Reconsider: A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.~~

#### ~~B. PROCEDURE DEBATE~~

1. ~~Interruptions and Questions: No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question, e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.~~

#### ~~C. PROCEDURE VOTING~~

1. ~~Roll Call on Final Passage: The vote upon the final passage of all business shall be by aye (yes) and nay (no) given by members of the Commission by voice vote.~~
  - a. ~~The Chair will determine the outcome of the voting and announce the result by identifying those members who voted in the affirmative and in the negative. The Chair may also call for a Roll Call vote if they are unsure of the outcome.~~
  - b. ~~Any member of the commission may call for a Roll Call vote immediately following a vote, by making a motion and receiving a second. Chair shall then ask each commissioner for their vote individually.~~

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~~e.—In recording votes on roll call, the Secretary shall record the votes for the record. The Chair shall announce the result.~~

- ~~2.—Minute Approval: The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall call for a vote of ratification of the minutes, upon a positive vote declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.~~
- ~~3.—Voting or Changing Vote, Before Decision Announced: On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair.~~
- ~~4.—Voting or Changing Vote, After Decision Announced: When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.~~
- ~~5.—Commission Members Required to Vote—Late Voting: No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.~~
- ~~6.—Tie Votes: If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.~~
- ~~7.—Explaining Vote: After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.~~
- ~~8.—Not to Vote Unless Present: No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whatsoever.~~

#### VIII.—DOCUMENTS OF THE COMMISSION

- ~~A.—Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.~~
- ~~B.—All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.~~

#### IX.V. AMENDMENT

- A. These Rules of Order may be amended at any meeting of the Commission held after not less than ten days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission and approved by the City Council.

X.VI. RECORDING OF RULES - COPIES TO BE FURNISHED

- A. These Rules, and all subsequent amendments thereto, shall be recorded by the [secretaryDeputy City Recorder](#) in the book kept for the recording of such business and shall be furnished to each member of the Commission.