



WEST HAVEN CITY COUNCIL AGENDA

AMENDED

November 18, 2020 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **November 18, 2020** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:00 PM: COUNCIL WORKSHOP 6:00 PM: REGULAR WEDNESDAY CITY COUNCIL MEETING.** DUE TO EMERGENCY PROTOCOLS RECENTLY ENACTED BY MAYOR BOLOS AND EXECUTIVE ORDER 2020-73 ISSUED BY THE LT. GOVERNOR PUBLIC ATTENDANCE AND PUBLIC COMMENT WILL BE BY ELECTRONIC MEANS ONLY. JOIN US DIGITALLY FOR THE WORK SESSION [HTTPS://US02WEB.ZOOM.US/J/83851065235](https://us02web.zoom.us/j/83851065235) AND COUNCIL MEETING [HTTPS://US02WEB.ZOOM.US/J/83285979323](https://us02web.zoom.us/j/83285979323).

1. MEETING CALLED TO ORDER: Mayor Bolos
2. OPENING CEREMONIES
 - A. PLEDGE OF ALLEGIANCE Councilmember Morse
 - B. PRAYER/MOMENT OF SILENCE Councilmember Dixon
3. PUBLIC PRESENTATION: Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a Question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.

AGENDA ACTION ITEMS

4. DISCUSSION-CARES ACT FUNDS
5. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	November 4, 2020
B. MOUNTAIN WEST TRUCK CENTER INC.	\$90,109.22	Inv. #MOUN2020000093P731
C. WEBER COUNTY ANIMAL CONTROL	\$19,973.00	Inv. #26725
D. GARDNER ENGINEERING	\$16,951.00	Inv. #1020149-1020157
E. WEBER COUNTY	\$612,651.99	CARES Act Funds
6. AWARD CONTRACT-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL
7. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
 - A. ACTION ON ORDINANCE 41-2020-REZONE FROM A-1 TO R-2-2812 W 2900 S-PHIL HOLLAND
 - B. ACTION ON ORDINANCE 42-2020-REZONE FROM A-2 TO A-1-3789 W 2550 S-NOLA STAUFFER
 - C. FINAL SITE PLAN APPROVAL-DENTAL CLINIC AND COMMERCIAL DEVELOPMENT-APPROX. 2700 W 3600 S-PASCAL MEYER
 - D. PRELIMINARY SUBDIVISION APPROVAL-SHADY BROOK LANE TOWNHOMES-2201 SHADY BROOK LANE-BRAD BROWN
 - E. ACTION ON ORDINANCE 46-2020-VACATING OPEN SPACE EASEMENT-3012 W 2325 S-DOUG ANDERSON
 - F. ACTION ON ORDINANCE 40-2020-REZONE FROM A-1 TO C-2 AND C-3-2144 W 21ST STREET-L.K.L ASSOCIATES INC.
 - G. ACTION ON ORDINANCE 43-2020-A-1 ZONING ORDINANCE
 - H. ACTION ON ORDINANCE 44-2020-A-2 ZONING ORDINANCE
 - I. ACTION ON ORDINANCE 45-2020-HOME OCCUPATION
8. DISCUSSION-CONSIDERATION TO OPEN THE GENERAL PLAN MAP SPECIFICALLY THE COMMERCIAL ZONES
9. DISCUSSION-CITY ATTORNEY'S RETIREMENT ANNOUNCEMENT AND FILLING PROCESS
10. DISCUSSION-PLANNING COMMISSION ORDINANCE
11. COUNCIL UPDATES
12. ADJOURNMENT

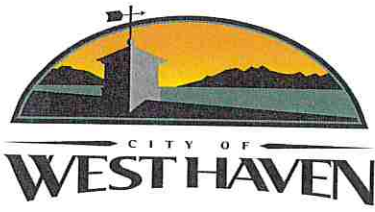
Emily Green

Emily Green, 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: emilyg@westhavencity.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; 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 CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY NOVEMBER 18, 2020**

@

5:00 PM – In City Council Chambers

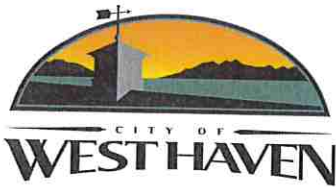
*NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING
PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.*

MEETING TO ORDER:

MAYOR BOLOS

REPORTS AND DISCUSSION AS FOLLOWS:

1. Presentation-UTOPIA-Roger Timmerman
2. Discussion-30th Anniversary Monument



WEST HAVEN CITY COUNCIL MEETING MINUTES

November 4, 2020 6:00 P.M.
Community Room
4150 South 3900 West, West Haven, UT 84401

Present: Sharon A. Bolos Mayor
Rob Vanderwood Councilmember
Randy Hunter Councilmember
Carrie Call Councilmember
Kim Dixon Councilmember
Nina Morse Councilmember

Staff Present: Emily Green City Recorder
Steve Anderson City Planner
Ken Bradshaw City Attorney
Matthew Jensen City Manager

5:00 Council Workshop

Mayor Bolos brought the meeting to order.

Council discussed a social media policy.

Council discussed the residential solid waste collection and removal ordinance.

1. MEETING BROUGHT TO ORDER:

The Council met electronically at their regularly scheduled meeting held in the Community Room. Mayor Bolos brought the Meeting to order at 6:00 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

- A. Lead by Councilmember Call
- B. Lead by Councilmember Morse

3. PUBLIC PRESENTATION

No one came up at this time.

4. ACTION ON CONSENT AGENDA

- A. CITY COUNCIL MINUTES
- B. WEBER COUNTY SHERIFF
- C. GARDNER ENGINEERING

MEETING HELD
\$313,550.32
\$25,081.25

October 21, 2020
Inv. #26677
Inv. #0820116-0920145

Councilmember Vanderwood made a motion to approve the consent agenda. Councilmember Morse seconded the motion. Roll Call: Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

5. PUBLIC PRESENTATION

Andy Davis expressed concern about the trail that runs through the middle of his subdivision. He said he thought the intention was to go around the subdivision and would like to see that still. He also expressed concern about items from Planning Commission going to the City Council's agenda the following week.

6. PRESENTATION-UTA-BETH HOLBROOK

Beth Holbrook gave a presentation on UTA statistics for the last seven months and updates on the safety measures implemented as a result of the pandemic.

7. **PUBLIC HEARING**-For the purpose of receiving public input with regard to a residential solid waste collection and disposal ordinance.

Councilmember Morse made a motion to enter into public hearing. **Councilmember Vanderwood seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

Mayor Bolos invited the public up for comment.

David Smith expressed concern about the fact that most contracts are billed on a quarterly basis and that their contract states they will not be prorated for leaving before the end of the quarter.

Councilmember Vanderwood made a motion to leave public hearing. **Councilmember Morse seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

8. **ACTION ON ORDINANCE 39-2020-RESIDENTIAL SOLID WASTE COLLECTION AND REMOVAL ORDINANCE**

Matthew Jensen suggested setting the billing to start at the end of the quarter so that residents would not have to pay out for a contract they are no longer in.

Councilmember Morse suggested lowering the size in section 8.07.040 A2 to .8 instead of .9.

Councilmember Vanderwood expressed concern about accessory dwelling units.

Councilmember Dixon made a motion to adopt ordinance 39-2020 with the following changes; Remove the sentence in section 8.07.030 A6 Upon a resident's relocation from the community the resident shall advise the city in writing of the departure and shall leave the container(s) at the service location in a secure location, change lot size to .8 in section 8.07.040, and adjust the language for accessory dwelling units. **Councilmember Hunter seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

9. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**

A. ACTION ON ORDINANCE 40-2020-REZONE FROM A-1 TO C-2 AND C-3-2144 W 21ST STREET-L.K.L. ASSOCIATES INC.

Councilmember Vanderwood expressed concern about the noise from the business violating the noise ordinance.

Councilmember Hunter expressed concern about changing the zone to C-3.

Councilmember Call said that C-1 is more appropriate for this area because of the health and general welfare of the community.

Councilmember Morse said that this business would be better in a different area.

Councilmember Hunter said that C-1 will be more conducive to this area.

Councilmember Vanderwood made a motion to adopt ordinance 40-2020. **Motion dies for lack of a second.**

No motion was made on this item.

B. PRELIMINARY SITE PLAN APPROVAL-BUILDING MATERIAL SUPPLIER-2144 W 21ST STREET-L.K.L. ASSOCIATES INC.

No motion was made on this item.

10. **EXECUTIVE SESSION**-The council will enter into a closed meeting for the purpose of discussion of the character and professional competence of an individual to be held in accordance with the provisions of Utah Code 52-4-205.

Councilmember Dixon made a motion to leave the public meeting and enter into an executive session. **Councilmember Hunter seconded** the motion. Councilmember Dixon, aye; Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

Mayor Bolos stated that the executive session was to discuss the character and professional competence of an individual.

Councilmember Morse made a motion to leave the executive session and enter back into the public meeting. **Councilmember Vanderwood seconded** the motion. Councilmember Dixon, aye; Councilmember Hunter, aye; Councilmember Call, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

11. **COUNCIL UPDATES**

Councilmember Hunter gave an update on the pumpkin walk.

Councilmember Vanderwood gave an update of the VIP's program.

Councilmember Morse gave an update on Communities that Care.

12. **ADJOURNMENT**

Councilmember Hunter moved to adjourn at 8:21 P.M. **Councilmember Call seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Dixon, aye; Councilmember Hunter, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____

STAFF REPORT

TO: City Council Members
FROM: Matt Jensen, City Manager
DATE: November 12, 2020
SUBJECT: Proposed CARES Act Expenditures and Transfer



The following staff report reviews the options for spending monies from the second and third disbursement of the CARES Act and asks authorization to proceed with these purchases in the amount of \$242,448.01 and transfer the remaining amount of \$612,651.99 to Weber County for use in the community.

Background

In response to the COVID-19 Pandemic, the Federal Government provided monies to local municipalities to deal with additional costs to government and local organizations related to the pandemic. On June 30, 2020, the City received \$453,492. The City kept \$20,000 for expenses and transferred the remaining \$433,492 to the County to extend assistance to local school districts, business, and other organizations. On October 29, 2020, the City received \$857,100 for the second and third CARES Act disbursements. Purchases must be determined by November 13, 2020 and finalized by December 30, 2020. The City Treasurer has received authorization to extend this first deadline to November 18, 2020 to accommodate our Council meeting schedule.

Analysis

City Staff has reviewed numerous items that could be secured to improve the health and safety of residents and employees. This entails expenditures of approximately \$244,448.01. A full list is provided as Exhibit A. Here are several large ticket items:

- Council Chamber A/V Improvements - \$48,000
- UTV – Diesel Kibota for facility sanitization and separation efforts - \$25,000
- Touchless restroom fixtures for City Parks facilities - \$69,000
- Redundant recreation equipment to reduced shared use by staff and participants – \$25,000
- Glass partitions for Recorder transaction areas - \$8,100
- Improvements for ventilation and cleaning at Public Works facility – \$9,000
- Single Audit requirement (\$4,500) and Fund Admin (\$4,500) - \$9,000

Recommendation

Staff recommends approval of the list as shown in Exhibit A and authorization to purchase these under an emergency process due to the time constraint on the CARES Act. Efforts will be made to ensure quality and best price but full RFP and bid solicitations may need to be waived.

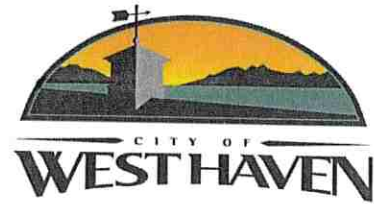
With authorization approved, Staff requests a motion to transfer the remaining amount of \$612,651.99 to Weber County for use with other organizations, agencies and businesses.

Exhibit A

CARES Act Expense Considerations				
Item	Cost	Qty	Total	
Restroom foot pulls - City Hall	\$ 30.00	14	\$	420.00
Hand Sanitization Stations - Freestanding	\$ 150.00	5	\$	750.00
Ice/Water Dispenser - Touchless	\$ 4,300.00	2	\$	8,600.00
Water Fountain/Bottle Filler - Touchless	\$ 1,700.00	2	\$	3,400.00
Recorder Transaction Dividers	\$ 2,100.00	4	\$	8,400.00
Council A/V Improvements	\$ 48,000.00	1	\$	48,000.00
Council Dais Dividers	\$ 800.00	1	\$	800.00
Additional Masks	\$ 700.00	1	\$	700.00
Laptop for Remote	\$ 1,700.00	2	\$	3,400.00
PW Desk Partition	\$ 300.00	1	\$	300.00
A-Frame Signs	\$ 100.00	20	\$	2,000.00
Parks/Rec iPad for remote	\$ 350.00	4	\$	1,400.00
Directional Sign Boards	\$ 3.00	40	\$	120.00
Nitrile Gloves	\$ 30.00	10	\$	300.00
Bow hanger rack - Social Distancing	\$ 110.00	1	\$	110.00
6' tables	\$ 75.00	4	\$	300.00
Electronic Whistles	\$ 15.00	60	\$	900.00
Backpack sprayers	\$ 150.00	4	\$	600.00
Commercial washer & dryer	\$ 3,500.00	1	\$	3,500.00
Generators - Honda 2000	\$ 1,000.00	2	\$	2,000.00
Crowd Barriers	\$ 180.00	10	\$	1,800.00
UTV - Diesel Kibota (sanitization/separation)	\$ 25,000.00	1	\$	25,000.00
QC Coverall	\$ 140.00	6	\$	840.00
Digital Thermometers	\$ 50.00	5	\$	250.00
Rec Redundancy Equipment	\$ 20,000.00	1	\$	20,000.00
Cleaning Kits for Sports Equipments	\$ 15.00	10	\$	150.00
Separate Ref Shirts	\$ 12.00	48	\$	576.00
Parks Restroom Fixtures	\$ 69,000.00	1	\$	69,000.00
Cleaning Chemicals	\$ 5,000.00	1	\$	5,000.00
Public Works Rec Room Ventilation	\$ 9,300.00	1	\$	9,300.00
Industrial Fans	\$ 300.00	3	\$	900.00
Fogger Machine for City Hall	\$ 250.00	1	\$	250.00
Labor with Covid impacts	\$ 10,000.00	1	\$	10,000.00
Compliance with the Single Audit Act	\$ 4,500.00	1	\$	4,500.00
Administration of the CARES Act Funding	\$ 4,500.00	1	\$	4,500.00
Payroll for Extra Cleaning - Oct - Dec	\$ 421.80	3	\$	1,265.40
PROPOSED EXPENSE GRAND TOTAL			\$	239,331.40
COVID-19 Related Expenses Since 1st CARES Act Funding			\$	5,116.61
TOTAL PROPOSED CITY CARES ACT EXPENDITURES			\$	244,448.01
TOTAL AMOUNT OF CARES ACT - 2nd & 3rd PHASE			\$	857,100.00
Proposed transfer to Weber County			\$	612,651.99

STAFF REPORT

TO: City Council Members
FROM: Matt Jensen, City Manager
DATE: November 12, 2020
SUBJECT: Residential Solid Waste Collection & Disposal Contract



The following staff report reviews the proposals for contracting for residential solid waste collection services throughout the City. Staff proposes award of the contract to Waste Management of Utah, Inc. and asks for authorization from the Council to proceed to contract negotiations.

Background

In response to the City's RFP for Residential Solid Waste Collection and Disposal, three companies provided qualified proposals. After discussing the proposals and holding a public hearing, the Council, under the recommendation of the City Manager, delayed award of the contract until an ordinance was in place to provide guidance and expectations. This ordinance largely followed the considerations included in the RFP and provided the legal framework for implementation of this program. The ordinance was adopted on November 4th.

Analysis

The three respondents to the RFP included Republic Services, Inc., Robinson Waste Services, Inc., and Waste Management of Utah, Inc. Each of the respondents have experience within the City and are reputable businesses that have extensive history in Weber County. The following represents a consolidated breakdown of cost components from the three proposals:

Company	1 st Container Charge	2 nd Container Charge	Fuel Surcharge
Republic Services	\$5.05	\$3.95	Monthly adjustment based on previous month
Robinson Waste	\$6.60	\$3.68	Annual adjustment after second year based on previous year average
Waste Management	\$5.85	\$3.10	Annual CPI index adjustment based on All Urban Consumers Water, Sewer, and Trash category

In reviewing the proposals, Staff provides the highlights the following aspects for each of the respondents:

- **Republic Services** – National firm with presence in Ogden. Lowest cost for initial container but highest charge for additional containers. Fuel surcharge based on monthly adjustments could possibly lead to fluctuating that will impact monthly billing labor and resident payments

- **Robinson Waste** – A local firm based out of Layton. Currently provides service to the bulk of dumpsters in the City. Highest price for initial can. Fuel surcharge based on annual adjustment starting in the third year.
- **Waste Management** – National firm. Lowest cost for multiple containers. Opts for an annual CPI adjustment rather than a fuel surcharge as they are transitioning their fleet to CNG operations in 2021. Has operations based in West Haven.

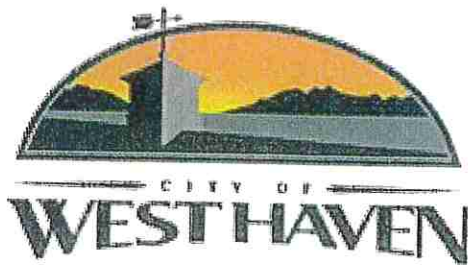
Recommendation

Staff recommends awarding the contract to Waste Management of Utah, Inc. and request authorization for the City Manager to proceed with contract negotiations. Waste Management's proposed rate, along with tipping fee and an admin fee not to exceed \$1.50 per month, would make the initial monthly rate to residents be \$11.73 for the first container and \$7.48 for each additional container (a breakdown of all costs is included as exhibit A). This low rate, particularly for additional containers, may also encourage residents to switch from dumpsters to the curb-side containers. As such, staff recommends proceeding with Waste Management.

EXHIBIT A – Total Cost for Residential Solid Waste Collection and Disposal Services

Company	Republic	Robinson	Waste Management
1st Container	\$ 5.05	\$ 6.60	\$ 5.85
Tipping Fee	\$ 4.38	\$ 4.38	\$ 4.38
Admin Fee	\$ 1.50	\$ 1.50	\$ 1.50
Total 1st Container	\$ 10.93	\$ 12.48	\$ 11.73
Additional Container	\$ 3.95	\$ 3.68	\$ 3.10
Tipping Fee	\$ 4.38	\$ 4.38	\$ 4.38
Total Add'l Container	\$ 8.33	\$ 8.06	\$ 7.48

Note: Admin Fee is an internal City charge for administration and labor. \$1.50 is proposed but final determination will be made as roll out and monthly billing impact is determined.



ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W

West Haven, UT

801-731-4519

Property Address: 2812 West 2900 South Parcel # 15-092-0014

Comments: Seeking the R-2 zone, consistent with the General Plan.

Existing Zone A2 Proposed Zone R-2 No. of acres/Sq. Ft. 15.01

What use is requested R-2 zone

Fee – Zoning Map Amendment

Residential

100

125

60

100 = \$375

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres, then \$5.00 for each additional acre or part thereof, and \$100.00 for the city review.

Commercial

\$100.00 plus \$50.00 for each acre over one (1) to five (5) acres, then \$10.00 for each additional acre or part thereof, and \$100.00 for the city review.

OFFICE USE

Scheduled for Planning Commission Agenda 11/11/2020

Planning commission action:

Approved X Date 11/11/20 Denied Date

City Council:

Approved Date Denied Date

Date Received: 10/28/20



ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W

West Haven, UT

801-731-4519

Property Address: 3789 W 2550 S Parcel # 15-088-0040

Comments: Rezone to A-1 to Allow my home to
be divided off the Farm ground

Existing Zone A-2 Proposed Zone A-1 No. of acres/Sq. Ft. 7.73

What use is requested To subdivide 1 lot off of the Farm

Fee - Zoning Map Amendment

Residential

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres, then \$5.00 for each additional acre or part thereof, and \$100.00 for the city review.

Commercial

\$100.00 plus \$50.00 for each acre over one (1) to five (5) acres, then \$10.00 for each additional acre or part thereof, and \$100.00 for the city review.

OFFICE USE

Scheduled for Planning Commission Agenda 11/11/2020

Planning commission action:

Approved ☒ Date 11/11/20 Denied ☐ Date 11/11/20

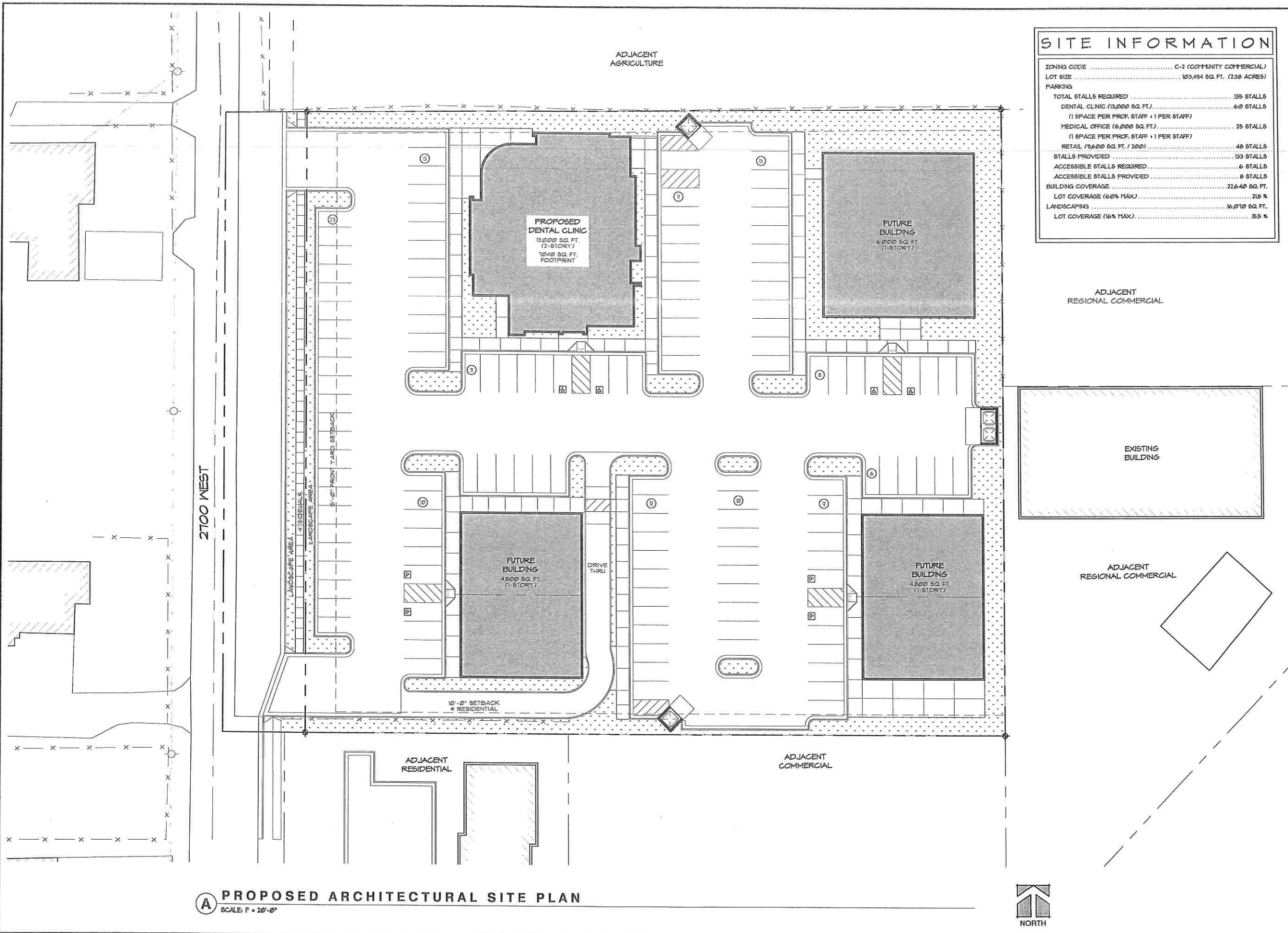
City Council:

Approved ☐ Date Denied ☐ Date

* Contingent on the
annexation approval
from the Lt. Governor

Date Received: 10/28/2020

\\SASERVERS\Projects\20-001.01 Stringham Dental - West Haven\CD\Site.dwg November 04, 2020 - 8:37 AM



SITE INFORMATION	
ZONING CODE	C-2 (COMMUNITY COMMERCIAL)
LOT SIZE	103,434 SQ. FT. (2.38 ACRES)
PARKING	
TOTAL STALLS REQUIRED	135 STALLS
DENTAL CLINIC (13,200 SQ. FT.)	60 STALLS (1 SPACE PER PROF. STAFF + 1 PER STAFF)
MEDICAL OFFICE (6,000 SQ. FT.)	25 STALLS (1 SPACE PER PROF. STAFF + 1 PER STAFF)
RETAIL (9,600 SQ. FT. / 200)	48 STALLS
STALLS PROVIDED	133 STALLS
ACCESSIBLE STALLS REQUIRED	6 STALLS
ACCESSIBLE STALLS PROVIDED	8 STALLS
BUILDING COVERAGE	22,640 SQ. FT.
LOT COVERAGE (60% MAX)	21.8 %
LANDSCAPING	16,010 SQ. FT.
LOT COVERAGE (16% MAX)	15.5 %

ARCHITECTURE
PLANNING
INTERIORS

CARPENTER STRINGHAM
ARCHITECTS LLC

TEL: 801.890.1092
WWW.CARPENTERSTRINGHAM.COM

PROJECT
A NEW BUILDING FOR:
**PROPOSED DENTAL CLINIC
& COMMERCIAL DEVELOPMENT**
2700 WEST & APPROX. 3600 SOUTH
WEST HAVEN, UT

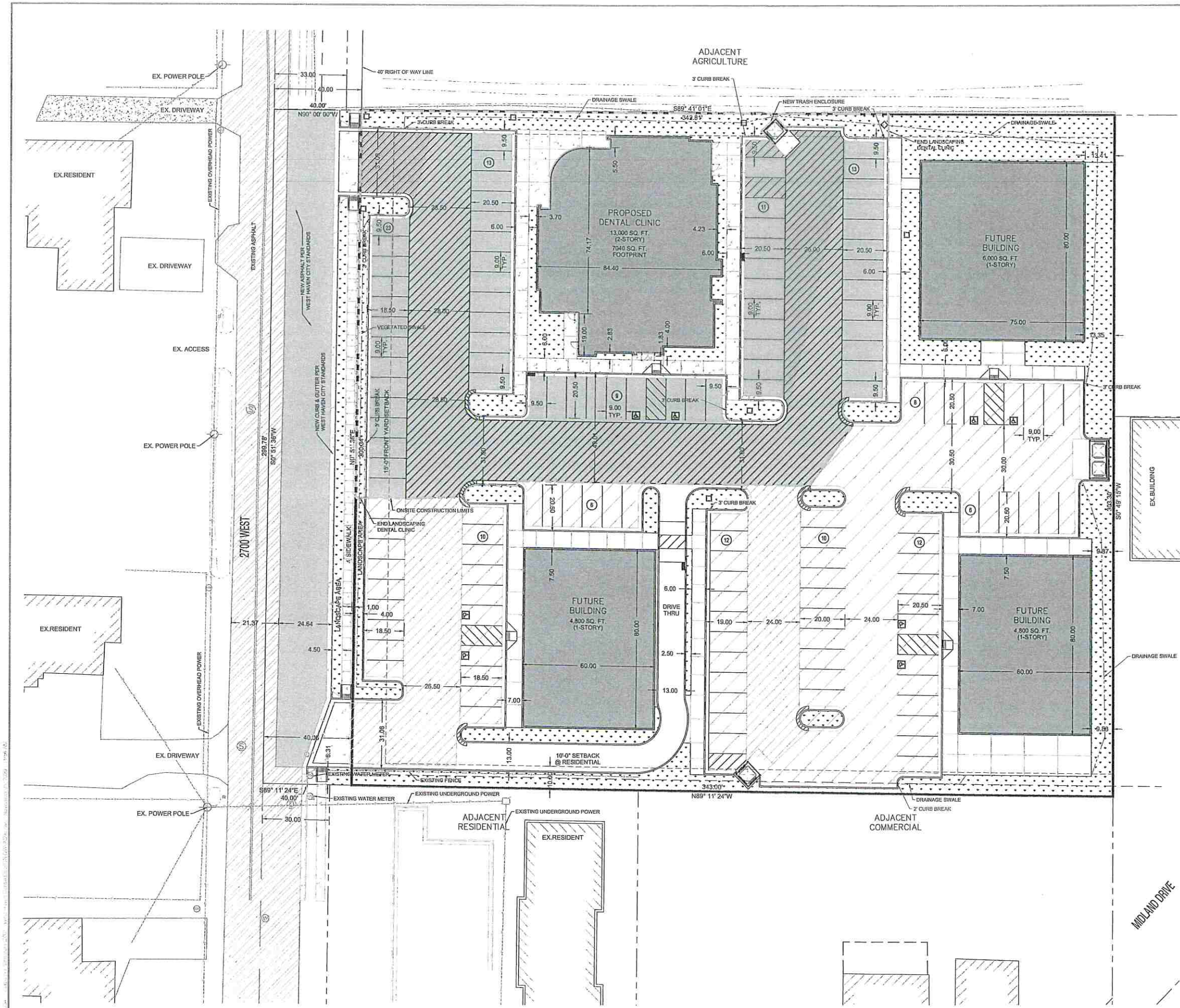
STATE OF UTAH
PASCAL R. MEYER
5766265-0300
EXPIRES 12/31/2020
LICENSED ARCHITECT

SHEET TITLE
Architectural
Site Plan

REVISIONS

PROJECT: 20-001.01
DATE: November 4, 2020
SCALE: As Shown
DRAWN BY: sj
CHECKED: ppm

SHEET
A001



LEGEND

[Symbol]	NEW CONCRETE
[Symbol]	NEW CURB & GUTTER STANDARD
[Symbol]	NEW CURB & GUTTER (SPILL CURB)
[Symbol]	NEW HEAVY DUTY ASPHALT
[Symbol]	NEW STANDARD ASPHALT
[Symbol]	NEW LANDSCAPING (3,936 SF = 10%)
[Symbol]	FUTURE HEAVY DUTY ASPHALT
[Symbol]	FUTURE STANDARD ASPHALT
[Symbol]	FUTURE LANDSCAPING

INITIAL SITE AREA = 39,182 SF

PROPOSED DENTAL CLINIC & COMMERCIAL DEVELOPMENT
(FULL BUILD OUT)

ZONING CODE	C-2 (COMMERCIAL)
LOT SIZE	103,494 SF (2.38 ACRES)
PARKING	
TOTAL STALLS REQUIRED	133 STALLS
DENTAL CLINIC (13,000 SF)	60 STALLS (1 SPACE PER PROF. STAFF + 1 PER STAFF)
MEDICAL OFFICE (5,000 SF)	25 STALLS (1 SPACE PER PROF. STAFF + 1 PER STAFF)
RETAIL (9,600 SF / 200)	48 STALLS
STALLS PROVIDED	133 STALLS
ACCESSIBLE STALLS REQUIRED	6 STALLS
ACCESSIBLE STALLS PROVIDED	8 STALLS
BUILDING COVERAGE	22,226 SF
LOT COVERAGE (60% MAX)	21%
LANDSCAPING	16,030 SF
LOT COVERAGE (15% MIN.)	15.5%

ARCHITECTURE
PLANNING
INTERIORS

**CARPENTER STRINGHAM
ARCHITECTS LLC**

9133 S MONROE PLAZA WAY SUITE D
SANDY UT 84070
TEL: 801.890.1092
www.carpenterstringham.com

PROJECT

A NEW BUILDING FOR:
**PROPOSED DENTAL CLINIC
& COMMERCIAL DEVELOPMENT**
2700 WEST & APPROX. 3600 SOUTH
WEST HAVEN, UT

PROFESSIONAL STRUCTURAL ENGINEER

11/5/2020
No. 4859045
TYLER M.
NIELSON
REGISTERED
STATE OF UTAH

SHEET TITLE

SITE PLAN

REVISIONS

PROJECT: 0341
DATE: November 5, 2020
SCALE: 1" = 20'
DRAWN BY: WJS
CHECKED: TMN

SHEET

CE2-01



CRAVEN DESIGNS

REVISION NOTES:

PROJECT TITLE:

HAVEN DENTAL
RESIDENCE

DRAWING TITLE:

PLANTING PALLET

DESIGNER:	CONTACT:
<i>Suzanne</i>	EMAIL: IANASAVYI@GMAIL.COM
<i>Chen</i>	TEL: 801.844.7770

ADDRESS:

2700 W 3600 N
WEST HAVEN, UT

CLIENT NAME:

SCOTT CRAVEN

SCALE ON 36" x 48" SHEET:

N/A

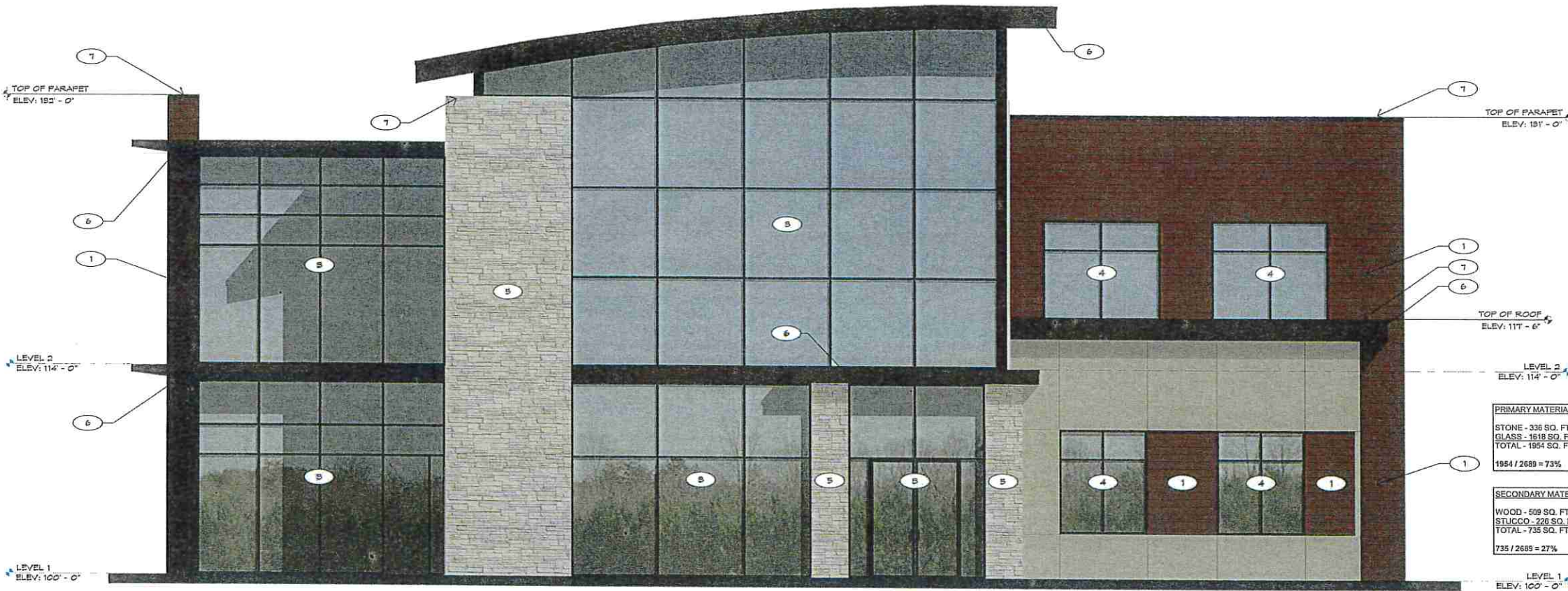
REVISION DATE:

11/04/20

PAGE NUMBER:

L-02

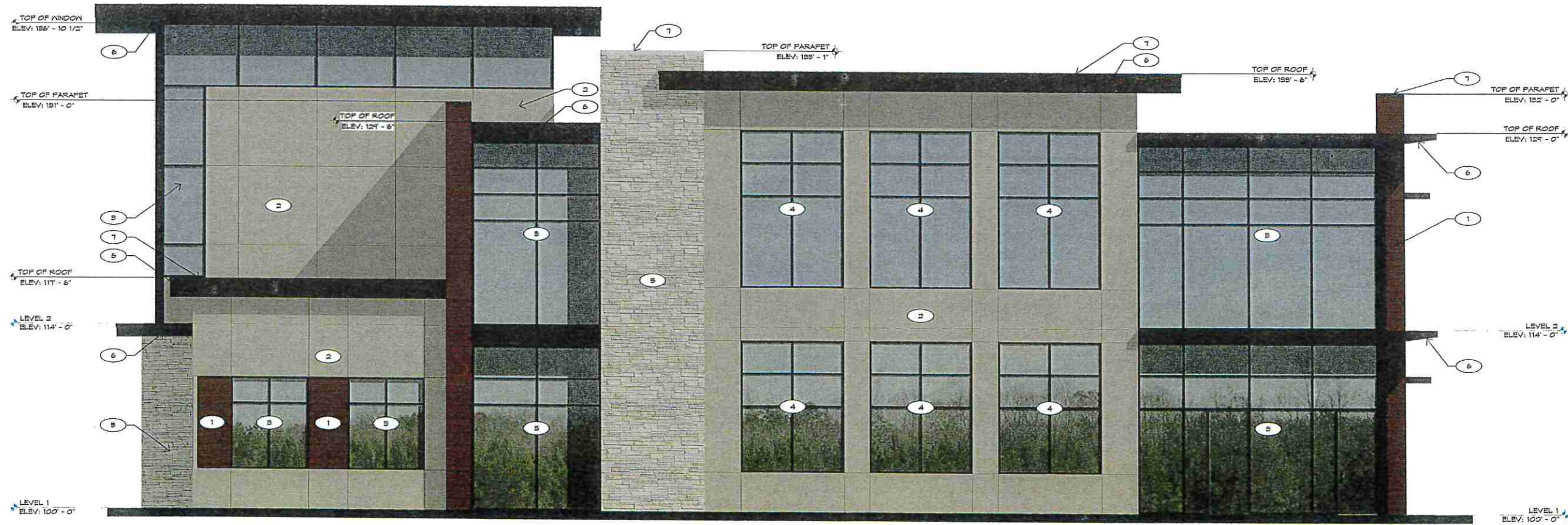




KEYNOTES	
1	6" WOOD LOOK METAL SIDING BY KNOTWOOD
2	1-1/2" EIFS W/ 3/4" REVEALS
3	CURTAIN WALL GLAZING SYSTEM
4	STOREFRONT GLAZING SYSTEM
5	2" NATURAL STONE VENEER
6	PRE-FINISHED METAL FASCIA / TRIM
7	PRE-FINISHED METAL CAP FLASHING
8	STANDING SEAM METAL ROOFING

PRIMARY MATERIALS	
STONE - 336 SQ. FT.	
GLASS - 1618 SQ. FT.	
TOTAL - 1954 SQ. FT.	
1954 / 2689 = 73%	
SECONDARY MATERIALS	
WOOD - 509 SQ. FT.	
STUCCO - 226 SQ. FT.	
TOTAL - 735 SQ. FT.	
735 / 2689 = 27%	

2 SOUTH ELEVATION - COLOR
1/4" = 1'-0"



1 EAST ELEVATION
1/4" = 1'-0"

ARCHITECTURE
PLANNING
INTERIORS
CARPENTER STRINGHAM ARCHITECTS LLC
9133 S MONROE PLAZA WAY SUITE D
SANDY UT 84070
TEL: 801.890.1092
www.carpenterstringham.com

A New Building For:
SYNERGIZE DENTAL
2700 West and Approx. 3600 South
West Haven, UT



SHEET TITLE
Color Elevations

REVISIONS

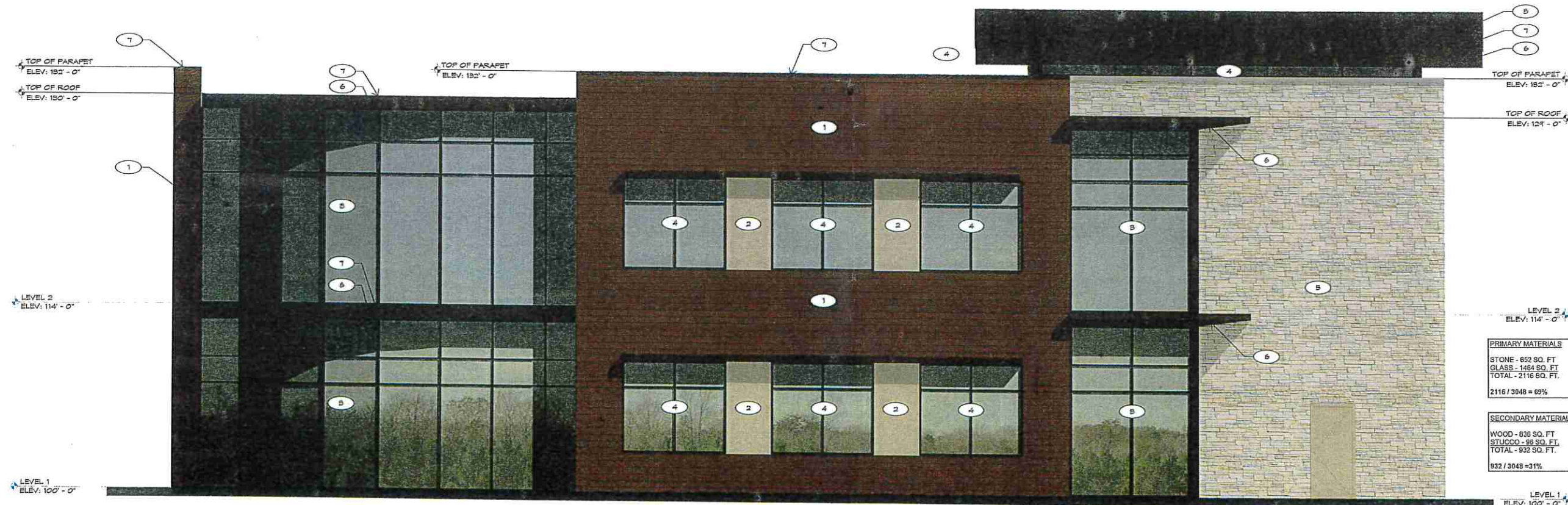
PROJECT: 20-001.01
DATE: Nov. 3, 2020
SCALE: As Shown
DRAWN BY: bdh
CHECKED: ppm

SHEET
A210



KEYNOTES	
1	6" WOOD LOOK METAL SIDING BY KNOTWOOD
2	1-1/2" EIFS W/ 3/4" REVEALS
3	CURTAIN WALL GLAZING SYSTEM
4	STOREFRONT GLAZING SYSTEM
5	2" NATURAL STONE VENEER
6	PRE-FINISHED METAL FASCIA / TRIM
7	PRE-FINISHED METAL CAP FLASHING
8	STANDING SEAM METAL ROOFING

1 NORTH ELEVATION - COLOR
1/4" = 1'-0"



PRIMARY MATERIALS	
STONE	652 SQ. FT.
GLASS	1484 SQ. FT.
TOTAL	2136 SQ. FT.
2136 / 3048	= 69%

SECONDARY MATERIALS	
WOOD	838 SQ. FT.
STUCCO	95 SQ. FT.
TOTAL	933 SQ. FT.
933 / 3048	= 31%

2 WEST ELEVATION - COLOR
1/4" = 1'-0"

ARCHITECTURE
PLANNING
INTERIORS

**CARPENTER STRINGHAM
ARCHITECTS LLC**

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SANDY UT 84070

TEL: 801.890.1092
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PROJECT
A New Building For:
SYNERGIZE DENTAL
2700 West and Approx. 3600 South
West Haven, UT



SHEET TITLE
Color Elevations

REVISIONS

PROJECT: 20-001.01
DATE: Nov. 3, 2020
SCALE: As Shown
DRAWN BY: bdh
CHECKED: ppm

SHEET

A211



SOUTHWEST

CARPENTER STRINGHAM
ARCHITECTS LLC





SOUTH

CARPENTER STRINGHAM
ARCHITECTS LLC





SOUTHEAST

CARPENTER STRINGHAM
ARCHITECTS LLC





EAST

CARPENTER STRINGHAM
ARCHITECTS LLC

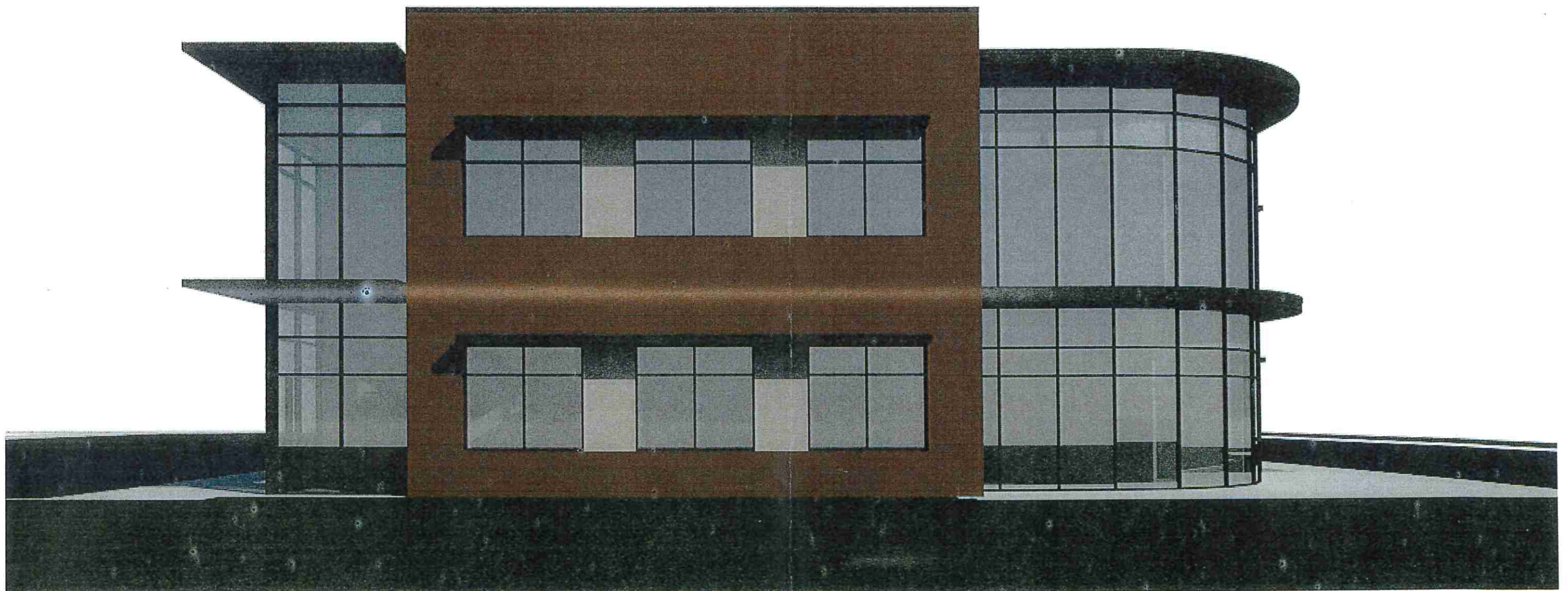




NORTHEAST

CARPENTER STRINGHAM
ARCHITECTS LLC





NORTH

CARPENTER STRINGHAM
ARCHITECTS LLC





NORTHWEST

CARPENTER STRINGHAM
ARCHITECTS LLC





WEST

CARPENTER STRINGHAM
ARCHITECTS LLC



TOWNHOMES SUBDIVISION APPLICATION

SUBDIVISION NAME

Shady Brook Lane Townhomes



LOCATION 2201 Shady Brook Ln PARCEL # 153080002

NO. OF LOTS 15 NO. OF BUILDINGS 2 ZONING CODE C3+ZC

Applicants Name Brad Brown Phone (801) 309-0399 Fax ---

Address 1708 E 5550 S, Ste 18 City South Ogden State UT Zip 84403

Surveyor/Engineer Jared Forsyth Phone (801) 455-6181 Fax ---

Address

BB

Please initial to indicate that you have received a copy of the site plan requirements and Chapter 28

Elevations				Please show the percentage of each elevation for each category.	
N	E	S	W		
---	---	---	---	Primary Materials i.e. architecture insulated metal panels, block, brick, glass, rock, and stone.	
---	---	---	---	Secondary Materials i.e. concrete, corrugated or ribbed metal, fiber/cement siding, oriented strand board treated siding such as LP siding, stucco, tile and wood.	
---	---	---	---	Upgraded Architectural Features i.e. archways, awnings, bays, bonds, quoins and different brick patterns, canopies, corbels, decorative cornices, dormers, permanent decorative art, pillars, porte cocheres, porches, porticos, and timbers.	
Percentage of Landscaping				Number of Parking Spaces	

PLANNING COMMISSION ACTION:

Preliminary - Approved ☒ Date 11/11/20 Denied ☐ Date ---

Final - Approved ☐ Date --- Denied ☐ Date ---

Conditions: ---

CITY COUNCIL ACTION:

Preliminary - Approved ☐ Date --- Denied ☐ Date ---

Final - Approved ☐ Date --- Denied ☐ Date ---

Scheduled for Planning Commission Agenda

November 11, 2020

Preliminary

Amount --- Paid Date ---

Final

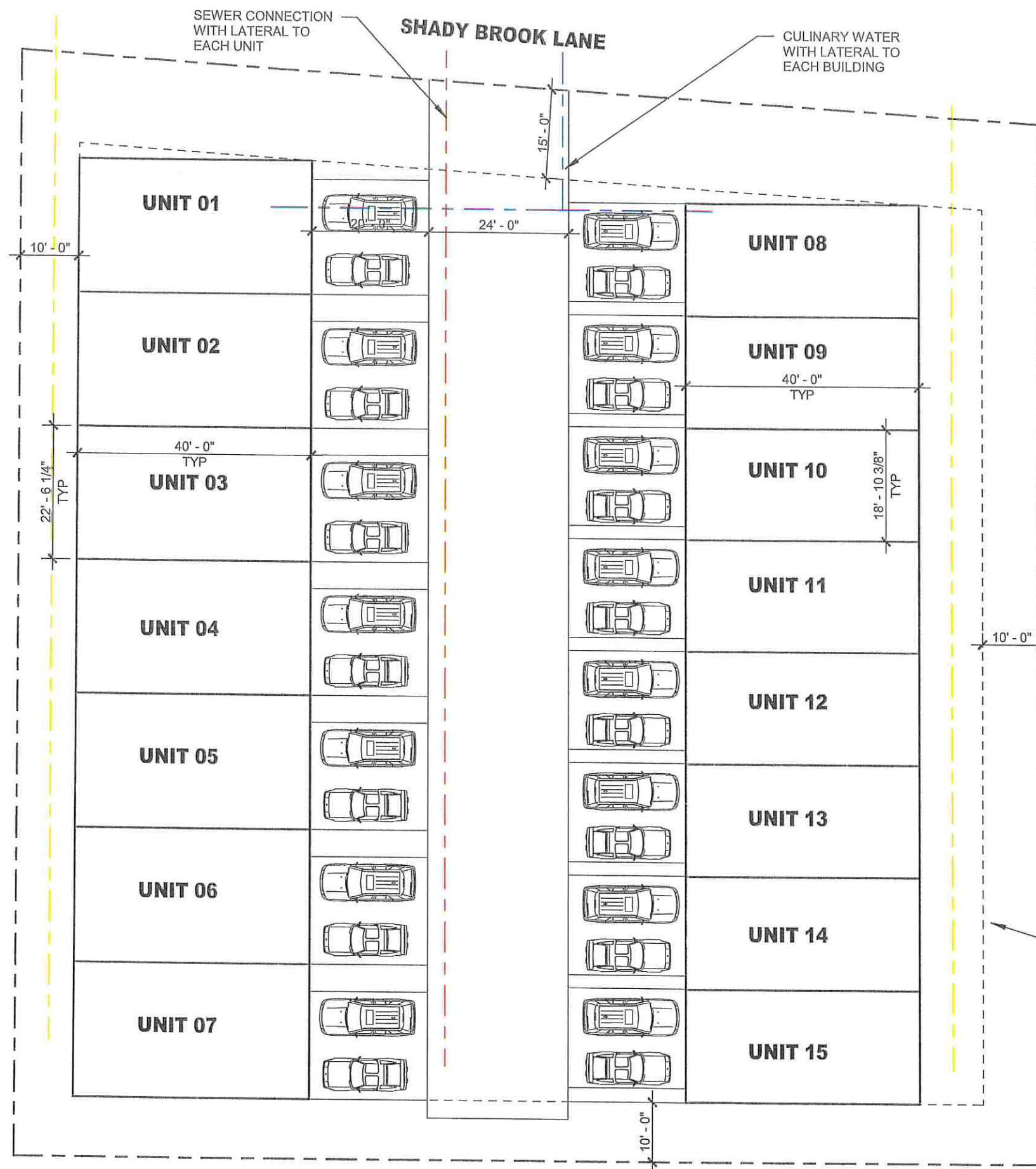
Amount --- Paid Date ---

Received	N/A	Received	Letters of acknowledgment/approval/conditions from
☐ 18-11"x17" copies of final subdivision plat	☒	☐	Secondary Water Company
☐ 2-11"x17" copies of subdivision plan and profile drawings	☐	☒	Culinary Water Company <u>11/4/20</u>
☐ Digital Copies	☒	☐	Canal Company (if a canal runs across property)
	☐	☒	Fire District <u>11/4/20</u>
	☐	☒	Affidavit of Understanding and Acceptance of Fees <u>11/4/20</u>
	☐	☒	Gas Company <u>11/4/20</u>
	☐	☒	Power Company <u>11/4/20</u>
	☒	☐	UDOT
	☒	☐	U.S. Army Corps of Engineers
	☒	☐	All other items required by City Planner

ALL APPLICABLE ITEMS MUST BE RECEIVED BEFORE BEING ADDED TO THE AGENDA.

Shady Brook Townhomes- Site Map





Subdivision Name: **Shady Brook Townhomes**

Developer Contact:

Brad Brown
(801 837-2020)

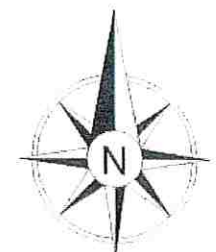
Engineer Contact:

Jared Forsyth
Jared@JSFLLC.com

LOT AREA TABULATIONS

LANDSCAPE	9,785 SQ.FT.	31%
PAVING	9,378 SQ. FT.	29.8%
BUILDING	12,346 SQ.FT.	39.2%
TOTAL SITE	31,509 SQ.F	100%

NATURAL GAS AND POWER
PER UTILITY PROVIDE,
AVAILABLE AT THE SITE



To: West Haven City

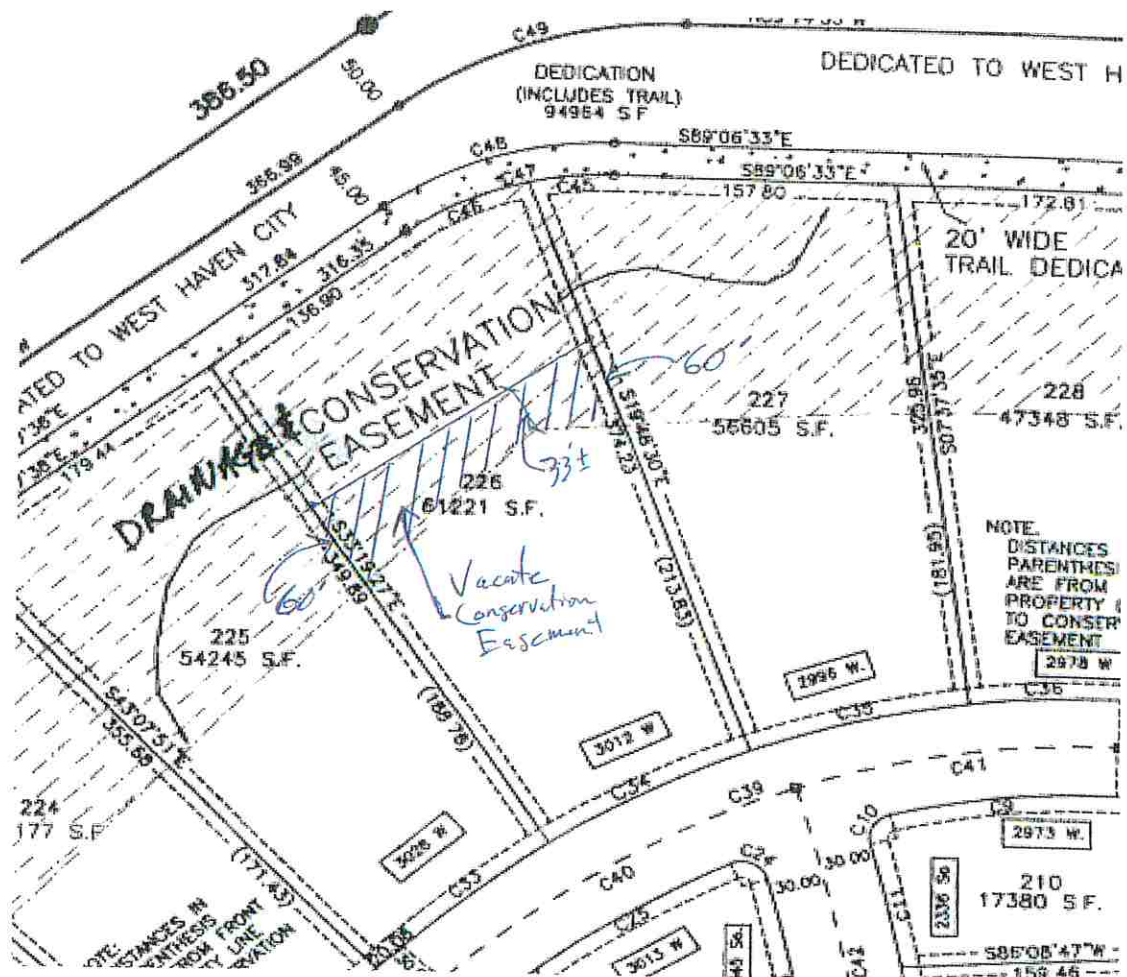
Attn: Dan city code enforcement

City Planning Department:

Hi, I'm Doug Anderson with Anderson Remodeling. I live at 3012 W 2325 S, West Haven, UT 84401. I would like to request an open space easement vacate of 60 x width of property in back yard. I would like to build a 48x60 pole bar in that space.

If possible I would like to be placed on your October 14th, 2020 planning meeting at 5pm and 6pm.

Thanks Doug Anderson





ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W

West Haven, UT

801-731-4519

Property Address: 2144 W 2200 S Parcel # 1507100 25

Comments: _____

Existing Zone	<u>A1</u>	Proposed Zone	<u>C3</u>	No. of acres/Sq. Ft.	<u>6.85</u>
What use is requested <u>Building Material Supplier South Side</u> <u>Retail / Flex Space North Side</u>					

Fee - Zoning Map Amendment

Residential

\$100.00 plus \$25.00 for each acre over one (1) to five (5) acres, then \$5.00 for each additional acre or part thereof, and \$100.00 for the city review.

Commercial

\$100.00 plus \$50.00 for each acre over one (1) to five (5) acres, then \$10.00 for each additional acre or part thereof, and \$100.00 for the city review.

OFFICE USE	
Scheduled for Planning Commission Agenda	<u>10/25/2020</u>
Planning commission action:	
Approved ☒	Date <u>10/25/2020</u> Denied _____ Date _____
City Council:	
Approved _____	Date _____ Denied _____ Date _____
Date Received: <u>10/13/2020</u>	

SECTION 1 PURPOSE AND INTENT

The purpose of the A-1 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low density residential development in a continuing rural environment.

SECTION 2 AGRICULTURE PREFERRED USE

Agriculture is the preferred use in Agriculture Zone A-1. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

SECTION 3 PERMITTED USES

1. Accessory building or use customarily incidental to any permitted or conditional use.
2. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
3. Animals or fowl kept for family food production as an accessory use.
4. Cemetery; chinchilla raising, child day care, convalescent or rest home.
5. Church, synagogue or similar building used for regular religious worship.
6. Cluster subdivision in accordance with Zoning Ordinances of the City of West Haven.
7. Corral stable or building for keeping animals or fowl, provided, such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any side or rear lot line.
8. Fruit or vegetable stand for produce grown on the premises only.
9. Golf course, except miniature golf course
10. Home occupation, See Home Occupation Ordinance
11. Greenhouse, and nursery limited to sale of materials on premises and with no retail shop operations
12. Household pets
13. Parking lot accessory to uses allowed in this zone
14. Planned residential Unit Development in accordance with Chapter 12 of this zoning ordinance.
15. Private park, playground or recreation area but not including privately owned commercial amusement business.
16. Private stables; horses for private use only, provided that not more than two (2) horses may be kept for each one-half (1/2) acres within any lot.
17. Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
18. Residential facility for Handicapped Persons meeting the requirements of chapter 15 of this ordinance.
19. Single Family Dwelling
20. Sugar beet loading or collection station
21. Temporary buildings or use incidental to construction work. See Temporary Storage ordinance
22. School Bus-parking

SECTION 4 PERMITTED USES REQUIRING TWO (2) ACRES MINIMUM LOT AREA

1. Two family dwelling

SECTION 5 PERMITTED USES REQUIRING FIVE (5) ACRES MINIMUM LOT AREA

1. Dairy farm and milk processing and safe provided at least fifty (50) percent of milk processed and said is produced on the premises.
2. Farms devoted to the hatching, raising (Including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
3. Fruit and vegetable storage and packing plant for produce grown on premises.

DRAFT

4. The keeping and raising of not more than ten (10) hogs, more than sixteen weeks (16) old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
5. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock safes or slaughter house shall:
 1. not exceed a density of twenty-five (25) head per acre of used land;
 2. be carried on during the period of September 15 through April 15 only.
 3. be not closer than three hundred (300) feet to any dwelling, public or semi-public building on an adjoining parcel or land; and
 4. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
6. The use of farm equipment by a farm operator for off-farm contracting work to supplement farm income.

SECTION 6 CONDITIONAL USES

The following shall be permitted only when authorized by a Conditional Use Permit obtained as provided in WHZC Chapter 34.

1. Animal hospital or clinic; dog breeding, dog kennels, or dog training school, on a minimum of two acres and not exceeding 10 dogs of more than 10 weeks old, per acre, at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
2. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of so.
3. Private park, playground or recreation grounds and buildings not open to the general public and to which no admission charge is made, but not including private owned commercial amusement business.
4. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than 10 horses per acre.
5. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre.
6. Public Utility Facilities, including but not limited to substations, culinary water treatment and or storage facilities developed by a public agency meeting the requirements of WHZC Chapter 46 as well as standards of the State of Utah. Wastewater treatment or disposal facilities are excluded.
7. Radio or Television station or tower.
8. Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.
9. The overnight parking of not more than one vehicle other than an automobile, light truck or recreational vehicle, of not more than twenty-four thousand (24,000) lbs. net weight, on property of not less than one acre in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.
10. The storage and use of light construction equipment such as a backhoe, front end loader or up to a ten wheel truck for off-premise contract work by the owner resident of property.

(Re: 10 Wheel Truck) Council meeting held 6-18-97. Motion passed approving the storage and use of one 10 Wheel truck as a conditional use in an A-1 Zone (5 Acre limit was removed) Chapter 5 Section 6 of the zoning ordinances.

DRAFT

SECTION 7 SITE DEVELOPMENT STANDARDS

			Permitted and Conditional Uses	Permitted Uses Requiring 2&5 Acres Minimum
Minimum lot area			20,000 sq ft	2 acres 5 acres
Minimum lot width			150 ft over 40,000 sq ft 125 ft-20-40,000 sq ft	150 ft
Minimum yard setbacks				
	Front		Not less than thirty (30) feet back from the edge of the dedicated and/or projected road right-of-way where that right-of-way abuts the affected property.	Not less than thirty (30) feet back from the edge of the dedicated and/or projected road right-of-way abuts the affected property.
Side				
		Dwelling	10 feet with total of two side yards not less than 24 feet	
		Other main bldg	20 ft each side	20 ft each side
		Accessory bldg	5 feet	5 feet
Side, facing street corner lot				
		Dwelling	20 feet	20 feet
		Accessory bldg.	10 feet if no access to street, 20 feet if there is access to the street	10 feet if no access to street, 20 feet if there is access to the street
	Rear			
		Main bldg	30 feet	30 feet
		Accessory bldg	5 feet	5 feet
Building Height				
	Minimum		one story	one story
	Maximum		35 ft	35 ft

SECTION 8 SIGN REGULATIONS-SEE CHAPTER 24 *See West Haven City Sign Ordinance*

SECTION 1 PURPOSE AND INTENT

The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural should be promoted and preserved.

SECTION 2 AGRICULTURE PREFERRED USE

Agriculture is the preferred use in Agriculture Zone A-2. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

SECTION 3 PERMITTED USES

- 1. Accessory building or use customarily incidental to any permitted or conditional use.*
- 2. Agriculture, agricultural experiment station; apiary; aviary; aquarium.*
- 3. Animals or fowl kept for family food production as an accessory use.*
- 4. Cemetery, child day care, convalescent or rest home.*
- 5. Church, synagogue or similar building used for regular religious worship.*
- 6. Cluster subdivision in accordance with Zoning Ordinances of the City of West Haven.*
- 7. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any rear or side lot line.*
- 8. Fruit or vegetable stand for produce grown on the premises only.*
- 9. Golf course, except miniature golf course.*
- 10. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.*
- 11. Home Occupation, See Home Occupation Ordinance*
- 12. Household pets.*
- 13. Parking lot accessory to uses allowed in this zone.*
- 14. Planned Residential Unit Development in accordance with Chapter 11 of this Zoning Ordinance.*
- 15. Private Park, playground or recreation area, but not including privately owned commercial amusement business.*
- 16. Private stables, horses for private use only and provided that not more than two (2) horses may be kept for each one-half (1/2) acre within any lot*
- 17. Public Building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.*
- 18. Single Family Dwelling*
- 19. Sugar beet loading or collection station and dump sites.*

20. Temporary buildings for use incidental to construction work. See Storage Container Ordinance
21. School bus-parking

SECTION 4 PERMITTED USES REQUIRING FIVE (5) ACRES MINIMUM LOT AREA

1. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and sold is produced on the premises.
2. Farms devoted to hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
3. Golf driving range.
4. Grain storage elevators.
5. The keeping and raising of not more than ten (10) hogs more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
6. Public stables.
7. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard livestock sales or slaughter house shall:
 - a. Not exceed a density of forty (40) head per acre of used land;
 - b. Be carried on during the period of September 15 through April 15 only;
 - c. Be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
 - d. Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
8. The uses of farm equipment by a farm operation for off-farm contracting work to supplement farm income.

SECTION 5 CONDITIONAL USES

The following uses shall be permitted only when authorized by a Conditional Use Permit obtained provided in Chapter 11 of this Zoning Ordinance.

1. Airports, private and commercial.
2. Animal hospital or clinic, dog breeding, dog kennels, or dog training school, on a minimum of two acres and not exceeding 10 dogs of more than 10 weeks old, per acre, at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from any public street and not less than fifty (50) feet from any side or rear property line.
3. Commercial campgrounds and picnic areas meeting the requirements of West Haven.
4. Correctional institution.

5. *Gun club; greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and growing and sale of sod.*
6. *Mines, quarries, gravel pits in accordance with West Haven excavation ordinance.*
7. *Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.*
8. *Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.*
9. *Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.*
10. *Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than 10 horses per acre.*
11. *Public Utility Facilities, including but not limited to substations, culinary water treatment and or storage facilities developed by a public agency meeting the requirements of Chapter 18 of this Zoning Ordinance as well as standards of the State of Utah. Waste Water treatment or disposal facilities are excluded.*
12. *Radio or television station or tower.*
13. *Residential Facilities for Handicapped persons meeting the requirements of Chapter 15 of this Ordinance.*
14. *Rodeo grounds*
15. *Skeet shooting range*
16. *Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.*
17. *The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight , on property of not less than one acre in an area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.*
18. *The storage and use of light construction equipment such as a backhoe, front end loader or up to a ten-wheel truck for off premise contract work by the owner resident of property of not less than five acres in area.*
19. *Turf horse jumping course.*

RE: 10 Wheel truck) Council meeting held 6-18-97. Motion passed approving the storage and use of one 10 wheel truck as a conditional use in an A-1 Zone (5 acre limit was removed) Chapter 6 of Zoning Ordinance and therefore it is also allowed in an A-2 Zone.

SECTION 6 SITE DEVELOPMENT STANDARDS

			Permitted and Conditional Uses	Permitted Uses Requiring 2&5 Acres Minimum
Minimum lot area				
Single Family Dwelling			40,000 sq ft	
Other			Two Acres	Five Acres
Minimum lot width			150 feet	300 feet
Minimum yard setbacks				
	Front		Not less than thirty (30) feet back from the edge of the dedicated and/or projected road right-of-way where that right-of-way abuts the affected property.	Not less than thirty (30) feet back from the edge of the dedicated and/or projected road right-of-way abuts the affected property.
	Side			
		Dwelling	10 feet with total of two side yards not less than 24 feet	
		Other main bldg	20 ft each side, 10 feet except one foot if located at least six (6) feet in rear of main bldg.	
		Accessory bldg.	5 feet	
Side facing street				
		Dwelling	20 feet	20 feet
		Accessory Bldg.	10 feet if no access to street, 20 feet if there is access to the street	
	Rear			
		Main Building	30 feet	30 feet
		Accessory bldg	5 feet	5 feet
Building Height				
	Minimum		one story	one story
	Maximum		35 ft	35 ft

SECTION 7 SUBDIVIDING LOT IN A PLATTED SUBDIVISION

In order to subdivide any existing lot in a platted subdivision in an A-2 zone, the parcel to be subdivided must:

- 1. Contain not less than 80,000 square feet before the proposed division,*
- 2. The density cannot be increased beyond that of the then existing zone.*

SECTION 8 PERMITTED SIGNS

West Haven Sign Ordinance

CHAPTER 26

A. HOME OCCUPATION

The changes made to the following section 1 thru section 5 via Ordinance 07-2011 are included herein

SECTION 1 PURPOSE AND INTENT:

It is the purpose and intent of this chapter to allow persons residing in dwellings in residential and agricultural areas to use their mental or physical expertise and talent to a limited extent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the city and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of limited business activities being conducted in such areas.

SECTION 2 USE:

1. Home Occupations shall be allowed either as Permitted or Conditional Uses in various residential and agricultural districts of the city as listed in the Use Regulations of such various districts and in accordance with the regulations and restrictions of this Chapter.
2. The following uses are examples of allowable Home Occupations that fall under the home occupation section of the business license fee structure:
 - a. Group instruction or motivational meetings as a forum for sales presentations held not more than once every month.
 - b. Musical Instruction.
 - c. Phone—order or mail—order services and internet.
 - d. Barber or beautician services with not more than 2 stations on the premises.
 - e. Computer Information Services.
 - f. Garage Sales ~~but only if they involve of~~ personal used items from a single dwelling ~~and are held only more than~~ once every 3 months.
3. The following uses shall not constitute Home Occupations and shall not be allowed:
 - a. Any activity that noticeably produces electrical interference, smoke, dust, odors, or heat.
 - b. Any activity that deals with the storage or disposal of harsh chemicals, pesticides, herbicides, amounts of motor oil in excess of ten gallons, flammable materials, or hazardous materials or substances as defined in the Utah State Code , §19-6-302.
 - c. Activities which noticeably produce excessive foot and vehicular traffic, parking, sounds or noises, lighting, vibration, or anything that is uncommon to the established character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate area. ~~as determined by the Planning Commission.~~
 - d. Any activity that violates existing or criminal codes of West Haven, the State of Utah or the U.S. Government.
 - e. Retail sales of goods produced off-premise including short-term boutiques, etc. or group garage sales of personal used items held more than once every ~~3~~ 6 months.

4. The following automotive and engine related businesses are not allowed in residential or agricultural zones and are not a Permitted or Conditional Use in any of those zones:

- a. Emissions inspections.
- b. Car sales or car dealerships.
- c. Storage businesses for RVs, boats, cars, inoperable or non-registered vehicles.

5. Automotive and engine related businesses are allowed in residential or agricultural zones which allow a home occupation business, ~~either as a permitted or conditional use~~ but must comply with the following minimum conditions, along with any other conditions that the Planning Commission feels are necessary based on the circumstances:

a. Only three cars, which are not registered to the homeowner, are allowed to be parked on the premises at any time. "Parked" is of a temporary nature and should only mean two weeks at the most.

b. No storage of any vehicles that are not registered to the homeowner. A car must have work actively being performed on it and shall not be stored and remain on the premises longer than thirty (30) days without work being performed on it unless it is stored inside an outbuilding.

c. The three allowed cars shall be parked in a garage or outbuilding or on a paved, hard surface (concrete or asphalt) on the property. There shall be no street parking.

d. The business shall operate only part-time hours. 24 hours per week or less

e. While work is being performed on a car, the garage door shall remain shut.

6. Construction, assembly, light fabrication businesses that use the home for more than office purposes must be approved by the Planning Commission. These types of businesses will be evaluated with a strict scrutiny regarding those items outlined in 3(a), (b), and (c) above as to whether any of those issues apply.

7. Agricultural farming is exempt as a home occupation business and does not require a home occupation business license.

8. Besides the yearly renewal of a business license, a home occupation business license expires when the person holding the business license moves from the home or the home is sold. This section does not grant a grandfathered status for a home occupation business license when the home is sold, if the business owner allows the home occupation business license to lapse, or if the business owner changes the nature of their business from the one listed on their home occupation business license application.

SECTION 3 REQUIRED CONDITIONS:

A Home Occupation must meet all of the following conditions and requirements:

1. The occupation is limited to persons who actually reside on the premises. One non-resident employee is allowed to work on the premises. ~~Nonresident employee must park on the property and not on the street. Any nonresident employees who work off premise must park on the property and not on the street.~~
2. The occupation shall not require interior or exterior alterations and shall retain the general character and appearance of the residential dwelling.
3. ~~The occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling unless approved by the Planning Commission with the exception of garage sales.~~ With the exception of

garage sales, occupations using an attached or unattached garage or accessory building or any space on the premises outside of the dwelling must be approved by the Planning Commission and must meet the following conditions

- a. The occupation must operate with garage doors closed if operating outside of normal business hours
 - b. The premises must be approved by the building inspector as it pertains the specific use of the occupation.
 - c. Buildings will not be used for storage of hazardous materials that may raise public health concerns.
4. The occupation shall not use more than ~~10% of the home for storage of goods or commodities. 300 sf or 20% (whichever is greater)~~ of the gross floor area of the dwelling for client facing services.
 5. The occupation must obtain an annual Business License.
 6. No more than one home occupation shall be permitted within any single dwelling unless approved by the Planning Commission.
 7. Selling parties shall be limited to no more than 10 buying customers at any one time and not more than one party every ~~three~~ months.
 8. An occupation that attracts customers, clients or students to the premises shall provide adequate off-street parking as determined by the Planning Commission or by the Building Inspector in the case of the permitted use.
 9. There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off premise business for which the dwelling is being used as a home occupation office unless otherwise permitted in the zoning ordinance, or approved by the Planning Commission.
 10. Trailers and vehicles over 24 feet in length and weighing more than 10,000 lbs. may not be stored or parked on the home occupation premises or the streets in the vicinity of the neighborhood unless otherwise permitted in the zoning ordinance or approved by the Planning Commission. All business-related vehicles must be parked in a garage or paved surface and not on the street.
 11. In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the Planning Commission or the City Council may impose other reasonable conditions initially and also subsequently to protect the public health, safety, peace, and welfare, of the residents of the surrounding residential or agricultural area.
 12. There are no more than four (4) visiting clientele at one time unless conditionally approved by the Planning Commission. ~~Automotive related businesses may not service more than 2 vehicles per day and must park vehicles in driveway or garage and not on the street.~~
 13. Signage, see sign ordinance.

SECTION 4 FEES

~~The fee below was adopted via Ordinance 03-2006, along with all business license fees, effective February 1, 2006 and is current to date.~~

CATEGORY

FEE

1. RESIDENTIAL

\$50.00

Includes Home Office; Home Occupation; Professional Services; Home Beauty Salons; Home Nail Salons, etc.

If the business licensee fails to renew the license and/or pay the fee annually within 60 days of expiration, the license will be terminated and all conditional uses granted will be forfeited, including grandfathered conditional uses.

See West Haven Business License Fee Schedule ordinance

B. DAY CARE RESIDENTIAL

These changes add an ordinance for Day Cares and Preschools via Ordinance 07-2011 are included herein

SECTION 1 PURPOSE AND INTENT:

It is the purpose and intent of this chapter 26B to allow persons residing in dwellings in residential and agricultural areas to establish home day care, while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the city and guaranteeing to all residents freedom from excessive noise,, traffic, nuisances, fire hazard, and other possible adverse effects of home day care and home preschool activities being conducted in such areas.

SECTION 2 USE:

- 1. A level one(1) and level two(2) Home Day Care Occupations shall be allowed either as Permitted (only home Day care level one(1) with 8 children or fewer children) or Conditional Uses in various residential and agricultural districts of the city as listed in the Use Regulations of such various districts and in accordance with the regulations and restrictions of this Chapter.*
- 2. Only home day care and may be approved as a permitted use in all residential and agricultural zones in the city if they have 8 or less children. A day care over eight (8) children requires a conditional use.*

SECTION 3 REQUIRED CONDITIONS:

Any day care operation conducted on property where the primary use is a residence shall be appropriately licensed by the State of Utah, see R430-90 Rule, and West Haven City. Home Day Cares shall comply with the following standards:

- 1. The day care operation shall comply with all provisions of a home occupation except that a day care or a preschool shall be exempt from the limitation on the use of space in and outside the home.*

2. *A level one (single provider) home day care shall be limited to not more than eight (8) children including the provider's own children under the age of six (6). No more than two (2) of the children may be under the age of two (2). The single provider in the level one home day care must be a resident of the home.*
3. *A level two (two provider) home day care shall be limited to not more than sixteen (16) children including the provider's own children under the age of six (6). No more than three (3) of the children may be under the age of two (2). Both providers shall meet state requirements. One of the providers must be a resident of the home. Only one person can be hired who is not a resident of the home.*
4. *There shall be a minimum of thirty-five (35) square feet of interior space provided for each person within the area being used for home day care. Such space shall be exclusive of any storage, restroom, or hall spaces. A floor plan indicating what area of the home will be utilized for day care shall be submitted with each application. The floor plan shall be reviewed and approved by the City staff prior to operation of the home day care.*
5. *There shall be a minimum of one hundred (100) square feet of yard space provided for each child kept within the day care. Said space shall be secured by fencing or other acceptable means. Any area or use within the yard area determined to be a hazard to children shall be secured from access and shall not be counted in the open space for the home day care. A site plan of the yard space being used for home day care shall be reviewed and approved by the City staff.*
6. *The area(s) used for the home day care shall have two separate means of egress arranged so that if one is blocked, the other will be available.*
7. *Exit doors other than the main exit may be may be thirty-two (32) inches wide. Main exits shall be thirty-six (36) inches wide*
8. *When the area being used for home day care is located in the basement or on the second floor, one of the exits must discharge directly to the outside.*
9. *No home day care shall be operated above the second floor of a residential structure.*
10. *Rooms used for sleeping shall have at least one window and door approved for emergency escape.*
11. *Closet door latches shall be such that children can open the door from the inside of the closet.*
12. *Bathroom door locks shall be readily operable by the provider(s) from the outside.*
13. *Smoke detectors and carbon monoxide detectors shall be installed according to the latest edition of the adopted building code.*
14. *Electrical outlets shall be protected or capped with safety devices.*

15. Toxic, hazardous, flammable materials, medicines, firearms or other potentially hazardous materials shall be locked in a protected area.
16. Fireplaces, wood burning stoves, or open face heaters shall be inaccessible to children when in use. Portable space heaters are not permitted when children are on the premises.
17. Each home day care shall have a written emergency and/or disaster plan which covers natural disasters, power failures etc., which may pose a health hazard to the children. Evidence that an emergency drill has been conducted at least on a quarterly basis shall be provided to the Weber County Fire Department at the time of the yearly inspection.
18. The area devoted to day care shall be provided with at least one fire extinguisher.

SECTION 4 OTHER

Day Care Centers for larger operations cannot be operated in a residence and cannot occupy homes that are in existing subdivisions. Day Cares must follow State of Utah Rule R430-90.

SECTION 5 FEES

The fee below was adopted via Ordinance 07-2011, along with all business license fees, effective and is current to date.

<u>CATEGORY</u>	<u>FEE</u>
1. <u>Home Day Care Level 1 (Eight (8) children or fewer)</u>	\$50.00
2. <u>Home Day Care 2 (Nine (9) – Sixteen (16) children)</u>	\$100.00
2. <u>Day Care Centers Nonresidential</u>	\$200.00

C. PRESCHOOL RESIDENTIAL

These changes add an ordinance for Day Cares and Preschools via Ordinance 07-2011 are included herein

SECTION 1 PURPOSE AND INTENT:

It is the purpose and intent of this chapter 26C to allow persons residing in dwellings in residential and agricultural areas to establish home preschools, while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the city and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of home day care and home preschool activities being conducted in such areas.

SECTION 2 USE:

Preschool Occupations shall be allowed as a Permitted Use with twelve (12) students or less in various residential and agricultural districts of the city as listed in the Use Regulations of such various districts and in accordance with the regulations and restrictions of this Chapter.

SECTION 3 REQUIRED CONDITIONS:

Any Preschool operation conducted on property where the primary use is a residence shall be appropriately licensed by the State of Utah (if applicable) and West Haven City. Preschools shall comply with the following standards:

1. The preschool operation shall comply with all provisions of a home occupation except that a preschool shall be exempt from the limitation on the use of space in and outside the home.
2. A preschool shall be limited to not more than twelve (12) students at a time in the home. The ratio of student to teacher must follow Utah State standards and regulations if applicable. All State guidelines are to be followed. One additional provider/teacher can be hired that is not a resident of the home. Both providers shall meet state requirements if applicable. One of the providers must be a resident of the home.
3. There shall be a minimum of thirty-five (35) square feet of interior space provided for each person within the area being used for home Preschools. Such space shall be exclusive of any storage, restroom, or hall spaces. A floor plan indicating what area of the home will be utilized for day care shall be submitted with each application. The floor plan shall be reviewed and approved by the City staff prior to operation of the home day care.
4. Preschools shall follow State guidelines if applicable for yard or play area space.
5. The area(s) used for the preschool shall have two separate means of egress arranged so that if one is blocked, the other will be available.
6. Exit doors other than the main exit may be may be thirty-two (32) inches wide. Main exits shall be thirty-six (36) inches wide
7. When the area being used for a preschool is located in the basement or on the second floor, one of the exits must discharge directly to the outside.
8. No home preschool shall be operated above the second floor of a residential structure.
9. Rooms used for sleeping shall have at least one window and door approved for emergency escape.
10. Closet door latches shall be such that children can open the door from the inside of the closet.
11. Bathroom door locks shall be readily operable by the provider(s) from the outside.
12. Smoke detectors and carbon monoxide detectors shall be installed according to the latest edition of the adopted building code.
13. Electrical outlets shall be protected or capped with safety devices.

14. Toxic, hazardous, flammable materials, medicines, firearms or other potentially hazardous materials shall be locked in a protected area.
15. Fireplaces, wood burning stoves, or open face heaters shall be inaccessible to children when in use. Portable space heaters are not permitted when children are on the premises.
16. Each preschool shall have a written emergency and/or disaster plan which covers natural disasters, power failures etc., which may pose a health hazard to the children. Evidence that an emergency drill has been conducted at least on a quarterly basis shall be provided to the Weber County Fire Department at the time of the yearly inspection.
17. The area devoted to the preschool shall be provided with at least one fire extinguisher.

SECTION 4 OTHER

Preschools for larger operations cannot be operated in a residence and cannot occupy homes that are in existing subdivisions.

SECTION 5 FEES

See West Haven Business license Fee Schedule ordinance

~~The fee below was adopted via Ordinance 07 2011, along with all business license fees, effective and is current to date.~~

~~CATEGORY~~	~~FEE~~
~~1. Preschool (twelve (12) students or fewer)~~	~~\$100.00~~
~~2. Preschools Nonresidential~~	~~\$200.00~~

MEMORANDUM

TO: City Council Members
FROM: Matt Jensen, City Manager
DATE: November 12, 2020
SUBJECT: City Attorney Opening and Process



We have received notice that Ken Bradshaw intends to retire as City Attorney on December 15, 2020. He will also step down as attorney for the West Haven Special Service District. In anticipation of this opening and knowing that the City has not had to fill this position in several decades, I have asked Ken to review the process of filling the City Attorney. He has provided the following summary:

Recruitment for new city attorney

Historically in a six-member Governing Body configuration, which West Haven is, the appointment of the city attorney is a mayoral appointment subject to advice and consent by the city Council. That is the process that was followed when I was appointed by Mayor Messenger.

Now that the city has adopted a city manager ordinance a different process obtains. The online City Code at **2.02.010.011**, Duties, indicates that "the city manager shall be the chief administrative officer of the city to whom all employees shall report." In turn, the City Manager "shall be responsible to the City Council for the proper administration of all administrative affairs at the city" which includes the appointment and management of city employees.

Paragraph one provides that the city manager "shall plan, direct and supervise the administration of **all departments, offices and agencies of the city and to execute the laws and ordinances of the city.**" [Emphasis added.]

Putting all of this together, the process going forward for the selection of a city attorney (or for that matter, any department head or employee)¹ looks something like this:

- The City Manager identifies a vacancy in the office of city attorney.
- The City Manager conducts such advertisement and recruitment as he deems appropriate to select one or more candidates for consideration for the office of city attorney.
- The City Manager conducts, either individually or through a panel he convenes, such interviews as he deems appropriate to facilitate the selection of a final city attorney candidate.
- The City Manager extends a conditional offer of employment - conditioned upon the preemployment drug test, background checks, appropriate to the office and as otherwise applied to all other city employees.
- Once all the background work and preliminary conditionals have been satisfied, the City Manager makes a selection of a new city attorney and advises the Governing Body of that selection
- The City Manager confirms final appointment of the city attorney.

¹ The city treasurer and city recorder are what are called "constitutional offices" and are technically subject to a bit of a different process than described above. But in the final analysis, it still comes down to a city manager selection and the governing body giving advice and consent.

Following this direction, I will be posting the position of City Attorney shortly. Please let me know if you have any questions or concerns.

ORDINANCE NO. 26-2020

Style Definition: Heading 2

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE WEST HAVEN ZONING CODE, BY AMENDING AND READOPTING CHAPTER 5, - PLANNING COMMISSION, BY MAKING NECESSARY LANGUAGE CHANGES INCLUDING THOSE SECTIONS OF THE UTAH STATE CODE THAT ARE CITED; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

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Section 1 - Recitals:

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

WHEREAS, the City Council finds that in conformance with Utah State Code ("~~UCUCA~~") §10-3-717, and UCUCA §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UCUCA §10-3-717, and UCUCA §10-3-701, the governing body of the city ~~has previously adopted-amended and readopted~~ "Chapter 5 Planning Commission" for the City ~~and has with Ordinance No. 26-2020 in July 2020 and~~ caused them to be promulgated via the city's website as the West Haven City Zoning Code, Chapter 5 thereof; and,

WHEREAS, the City Council finds that ~~the~~ it is in the public interest to again amend the "Chapter 5 Planning Commission" for the City because of issues with the previously cited Utah State Code Sections, which are no longer accurate; and,

WHEREAS, the City Council finds that the powers and procedures of the Planning Commission outlined in Chapter 5 of the City Zoning Code and this Ordinance are governed by the Municipal Land Use, Development, and Management Act, §10-9a et. al.; and

WHEREAS, the City Council finds that the it is in the public interest to promulgate these revised "Chapter 5 Planning Commission" Sections and that the adoption of this Ordinance, and the subsequent amendment to the online version of the West Haven City Code, will serve those ends; and,

WHEREAS, the City Council finds that the requirements herein should be effective upon passage of this Ordinance; and,

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

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that ~~en~~upon the adoption of this Ordinance, Chapter 5 of the City Zoning Code will be amended and read as follows:

Chapter 5 Planning Commission

5.02 Terms Of Office; Rotation Of Terms

1. The Members of the Planning Commission of the City shall each be appointed for a four-year term of office. To be appointed by the Mayor subject to advice and consent by the City Council.
2. In order to insure that the current membership of the Commission continues in office and that the rotation of members becomes effective, the following members shall serve the following terms and then their successors shall be appointed for four-year terms:
 - a. Term Ends Dec 2001
 - b. Term Ends Dec 2000
 - c. Term Ends Dec 2001
 - d. Term Ends Dec 2001
 - e. Term Ends Dec 2000
 - f. Term Ends Dec 2002
 - g. Term Ends Dec 2003
3. No Planning Commission Member shall serve more than two consecutive terms on the Planning Commission until and unless there shall have elapsed an intervening term of four years.
4. That any member of the Planning Commission who shall fail to attend three (3) meetings in any twelve (12) month period shall be deemed to have resigned his/her position on the Planning Commission and shall be replaced by a person to be appointed by the Mayor subject to advice and consent by the City Council.
5. The Mayor is authorized, in his/her sole discretion, to grant an exception to this policy for good cause shown. Provided, further, that in no case shall an exception under this part be granted which would permit any member of the Planning Commission to absent him/herself from Planning Commission attendance more than five (5) times in any twelve (12) month period.

5.04 Duties And Responsibilities

1. There is hereby established a Planning Commission for West Haven City.

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2. All prior acts of the West Haven Planning Commission, where such acts have been performed ~~in the absence of~~absent this Ordinance are ~~hereby~~ ratified and confirmed as if those acts had been performed under the authority of this Ordinance.

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3. ~~In accordance with UCA § 10-9-202 the planning commission~~The Planning Commission shall elect a chairperson from its members to serve for a one-year term, beginning January of each year.

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4. The ~~planning commission~~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~~Planning Commission.

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6. Among its other duties, and ~~in accordance with UCA § 10-9-204 the planning commission~~shall:the Municipal Land Use, Development, and Management Act, §10-9a et al., the Planning Commission shall:

- a. prepare and recommend a general plan and amendments to the general plan to the City Council as provided in this chapter;
- b. recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council as provided in this chapter;
- c. administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the City Council;
- d. recommend subdivision regulations and amendments to those regulations to the City Council as provided in this chapter;
- e. recommend approval or denial of subdivision applications as provided in this chapter;
- f. advise the City Council on matters as the City Council directs;
- g. hear or decide any matters that the City Council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- h. exercise any other powers:
 - I. that are necessary to enable it to perform its function; or
 - II. delegated to it by the City Council; and,

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7. In accordance with ~~UCA § 10-9-303, and after~~9a-403:

a.—

a. ~~completing~~The Planning Commission shall,

- I. ~~complete~~a proposed general plan or amendments to the general plan for all or part of the area within the city, the ~~planning commission~~ and then shall schedule and hold a public hearing on the proposed plan; ~~or amendments to the plan;~~

- II. ~~The planning commission~~ shall provide reasonable notice of the public hearing as specified in UCA §10-9a-204 at least ten (10) calendar days before the date of the hearing; and
- III. ~~After~~after the public hearing, ~~the planning commission~~ may make changes to change the proposed general plan;
- b. The ~~planning commission~~Planning Commission shall then forward the proposed general plan to the City Council;
- c.
 - I. The City Council may hold a public hearing on the proposed general plan recommended to it by the ~~planning commission~~Planning Commission;
 - II. ~~The~~If the City Council decides to hold a public hearing, the City Council shall provide reasonable notice of the public hearing at least ten (10) calendar days before the date of the hearing;
- d. After the public hearing, the City Council may ~~make any modifications to modify~~ the proposed general plan ~~that~~as it considers appropriate;
- e. The City Council may under UCA §10-9a-404:
 - I. adopt the proposed general plan without amendment;
 - II. reject the proposed general plan; or
 - ~~III. amend the proposed general plan and adopt or reject it as amended; or,~~
 - III. reject the proposed general plan;
- f.
 - I. The general plan is an advisory guide for land use decisions;
 - II. The City Council may adopt an ordinance mandating compliance with the general plan; and,
8. ~~In accordance with UCA § 10-9-304, the~~The City Council may amend the general plan by following the procedures ~~required by Section outlined in UCA §10-9a-403 and §10-9-303, and, 9a-404.~~
9. In accordance with UCA § 10-9-402~~9a-502~~ and §10-9a-503, the ~~planning commission~~Planning Commission shall:
 - a. ~~prepare and recommend to the City Council~~ a proposed zoning ordinance, including both the full text of the zoning ordinance and maps, that represents the planning commission's recommendations for zoning all or any part of the area within the municipality; and then shall schedule and hold a public hearing on the proposed zoning or amendments to the zoning ordinance;
 - b.
 - I. ~~the City Council may hold a public hearing on the proposed zoning ordinance recommended to it by the planning commission, and,~~
 - b. the City Council shall provide reasonable notice of the public hearing as specified in UCA §10-9a-205 at least ten (10) calendar days before the date of the hearing; and
 - c. after the public hearing, may change the proposed zoning ordinance.
 - d. The Planning Commission shall then forward the proposed zoning ordinance to the City Council.
 - e.

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~~II.~~ The City Council may hold a public hearing on the proposed zoning ordinance recommended to it by the Planning Commission, and,

~~II.~~ In accordance with UCA § 10-9-402 if held, the City Council shall provide reasonable notice of the public hearing at least ten (10) calendar days before the date of the hearing.

10. If the City mails notice of a proposed zoning change to property owners within the City within a specified distance of the property on which the zoning change is being proposed, it shall also mail equivalent notice to property owners of an adjacent municipality within the same distance of the property on which the zoning change is being proposed, and,

11. In accordance with UCA § 10-9-402a-502, after the public hearing, the City Council may:

- a. adopt the zoning ordinance as proposed;
- b. reject the zoning ordinance as proposed; or
- c. amend the zoning ordinance and adopt or reject the zoning ordinance as amended;
- or,
- e. reject the ordinance; and,

12. In accordance with UCA § 10-9-405a-505, the City Council may:

- a.
 - I. divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter; and
 - II. ~~Within~~ those zoning districts, the City Council may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land; the.

~~II.b.~~ The City Council shall ensure that the regulations are uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; and,

13. In accordance with UCA § 10-9-407a-507, Conditional Uses, a zoning ordinance:

- a. may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in designated zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses;
- b. The board of adjustments/hearing officer has jurisdiction to decide appeals of the approval or denial of conditional use permits unless the City Council has enacted an ordinance designating the City Council or another body as the appellate body for these appeals; and,

14. In accordance with UCA § 10-9-408a-511, except as provided in this section,

- a.
 - I. a nonconforming use or structure may be continued;

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- II. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
- III. For purposes of this subsection, ~~the addition of adding~~ a solar energy device to a building is not a structural alteration.
- b. The City Council may provide in any zoning ordinance or amendment for:
 - I. the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms ~~and conditions~~ set forth in the zoning ordinance;
 - II. the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize ~~the amount of~~ his investment in the nonconforming use, if any; and,
 - III. the termination of a billboard that is a nonconforming use by acquiring the billboard and associated property rights through gift, purchase, agreement, exchange, or eminent domain.
- c. If a municipality prevents a billboard company from maintaining, repairing, or restoring a billboard structure damaged by casualty, act of God, or vandalism, the municipality's actions ~~may~~ constitute initiation of acquisition by eminent domain under ~~Subsection (2)(c); UCA §10-9a-513;~~
- d. ~~Notwithstanding Subsections (2) and (3), a~~ Under §10-9a-513, the City Council may remove a billboard without providing compensation if, after providing the owner with reasonable notice of proceedings and an opportunity for a hearing, the City Council finds that:
 - I. the applicant for a permit intentionally made a false or misleading statement in his application;
 - II. the billboard is unsafe;
 - III. the billboard is in an unreasonable state of repair; or
 - IV. the billboard has been abandoned for at least 12 months.
- e. A municipality may terminate the nonconforming status of school district property when the property ceases to be used for school district purposes.

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5.06 Public Hearings For Zoning Related Matters

1. Any references in the City's Zoning Ordinance to the contrary notwithstanding upon the effective date of this Ordinance, the City's Planning Commission rather than the City's Governing Body will hold all zoning-related public hearings.
2. All references ~~currently~~ contained in the Zoning Ordinance requiring the City Governing Body to hold such public hearings shall now be amended to read that such hearings shall be held exclusively by the Planning Commission.

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The foregoing Recitals are incorporated fully herein.

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Section 2 - Repealer of Conflicting Enactments:

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

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

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Section 5 - Date of Effect

BE IT FURTHER ORDAINED this Ordinance, and the requirements listed, shall become effective on the 4th day of July, 2020, and after publication or posting as required by law.

DATED this 4th day of July, 2020

WEST HAVEN CITY, a municipal corporation

by: _____
Sharon Bolos, Mayor

Attested and recorded

Emily Green, City Recorder

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