

The following definitions are hereby added in alphabetical order to the already existing definitions in Section 2.08 of the Zoning Code:

TEMPORARY STORAGE UNITS, CONTAINERS, OR STRUCTURE Any building, structure, container, or unit that can be moved by any means. It is not affixed to a permanent foundation and is not built with materials consistent with residential or commercial construction. This definition shall include but is not be limited to: tractor trailers; containers originally designed for truck, rail, or boat transportation; those commercial storage units that can be rented; any temporary structure constructed without a building permit.

BE IT FURTHER ORDAINED by the West Haven City Council that the following shall be added to the West Haven Zoning Code to the specific zones that are referenced:

- 1. All Agricultural Zones and Residential Zones, including Open Space – Residential, shall be amended to add the additional language to each zone:**
 - A. Temporary storage units, containers, or structures will not be allowed in this zone except for temporary new construction sites with a valid current building permit issued by the city of West Haven. Temporary storage units, containers, or structures must be removed within 30 days of completion or abandonment of construction or permit expiration whichever comes first.
 - B. Temporary storage units, containers, or structures may be used for moving and are allowed on a hard surface in a residential zone for up to 14 (fourteen) days for the outgoing resident and an additional 14 (fourteen) days for the incoming resident.
 - C. Temporary storage units, containers, or structures may be used for Remodeling projects in established neighborhoods for a period of up to 120 (one hundred twenty) days if placed in the driveway of a residence and up to 6 (six) months if placed behind a home, solid fence, outbuildings or other obstruction as to obscure the view of the unit, container, or structure from the road. A valid current building permit is required.
 - D. Permanent use of these temporary storage units, containers, or structures shall not be allowed in any residential or agricultural zone on lots of less than one acre. One storage unit ~~is~~ may be allowed per acre with a land use permit, which shall include a site plan and any required building permits. A temporary storage unit, container, or structure shall be placed on a hard surface such as gravel, road base, concrete or asphalt. ~~but~~ Note, the maximum number of temporary storage units, containers, or structures is one unit per two acres then one per additional acre with a conditional use permit. The storage container must be placed behind a home, solid fence, outbuildings or other obstruction as to obscure the view of the unit, container, or structure from the road.

E. Conflict of Private Restrictions. The City has no obligation or responsibility to research and enforce an applicant's property's existing private covenants, conditions, or restrictions prohibiting the use of temporary or permanent use of storage units, containers, or structures. It is the exclusive responsibility of a property owner to research and have full knowledge and understanding of those private covenants, conditions or restrictions that run with and are attached to their property. By submitting an application to the City for a permanent or temporary storage unit, container, or structure, the applicant is certifying that they have full knowledge and understanding of those private covenants, conditions or restrictions that run with their property and have a full understanding of whether those items prohibit the use of temporary or permanent storage units, containers, or structures.

2. All Commercial, ~~Agricultural~~ and Manufacturing Zones shall be amended to add the additional language to each zone:

- A. Temporary storage units, containers, or structures are allowed in these zones for the loading and off-loading of supplies or inventory. They may be stored onsite for up to 30 (thirty) days provided they are not able to be seen from any major corridor in the city, do not take up required customer parking, are not on landscaping, and are placed behind buildings or fences that are not see through. Any exception to this shall require a conditional use permit from Planning Commission.
- B. Permanent use of temporary storage units, containers, or structures may be allowed with a conditional use permit, which shall include a site plan ~~and any required building permits.~~ **(Note: they shall not be allowed in any commercial or manufacturing zone(s) on lots of less than one acre)** A temporary storage unit, container, or structure must be placed on a ~~permanent foundation~~ **hard surface such as gravel, road base, concrete or asphalt**, and made to look like the main structure on the property including the use of similar building materials and colors. ~~A building permit and a site plan is required for the location of the unit, container, or structure, to be filed in conjunction with the requested conditional use permit.~~ Any exceptions as well as the number of units, containers, or structures, and the location shall be subject to approval from Planning Commission.

3. All Agricultural, Residential and Commercial zones shall be amended to add the additional language to each zone:

- A. All tractor trailers on an agricultural, residential or commercial parcel shall be licensed and registered with the State of Utah and must be actively used. Trailers not involved in a construction project that remain in a fixed location over 30 (thirty) days shall be subject to fines, impound and removal by the City of West Haven.

4. All Agricultural, Residential and Commercial zones shall be amended to add the additional language regarding enforcement of the Storage Container Ordinance as follows:

A. Enforcement and Fines. Upon a determination that a violation exists, the Code Enforcement Officer, or designee, will contact the owner and shall require such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Code Enforcement Officer, or designee, may determine.

1. Each day that a violation occurs or continues is a separate violation.
2. For any violation of this section, the Code Enforcement Officer, or designee, may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.
 - a. For the first violation within any 12-month period, the penalty shall be \$500.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.
 - d. For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure and the structure is to be immediately removed.

~~3 B. This ordinance, shall be enforced based upon the geographical map dated Friday April 10, 2020, for any complaints about preexisting non-conforming uses.~~

Pre-existing conditions. In the instance of an existing storage unit, container, or structure that has been established for a permanent use, the owner shall have a pre-existing right, shall be a legally non-conforming use, and shall not be required to come into compliance with the new requirements adopted August 4th, 2021. The following conditions do however apply to any such unit(s) as of the adoption of the original ordinance on April 10, 2020:

- 1. Residential and Agriculture Zones** – temporary storage units, containers, or structures shall not be allowed in any residential or agricultural zone on lots of less than one acre. The storage container must

be placed behind a home, solid fence, outbuildings or other obstruction as to obscure the view of the unit, container, or structure from the road.

2. **Commercial and Manufacturing Zones** - A temporary storage unit, container, or structure shall not be allowed in any Commercial or Manufacturing Zone on lots of less than one acre. It must be placed on a hard surface such as gravel, road base, concrete or asphalt, and made to look like the main structure on the property including the use of similar building materials and colors

C. If the temporary storage unit, container, or structure is moved or otherwise modified, the property owner would have to comply to all requirements under the current ordinance.

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