

WEST HAVEN CITY COUNCIL AGENDA

July 21, 2021 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **July 21, 2021** 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**. PER HB294 MASKS ARE REQUIRED WHEN THERE ARE 50 PEOPLE OR MORE IN ATTENDANCE OR WHEN A 6 FOOT DISTANCE FROM EACH OTHER CANNOT BE MAINTAINED. JOIN US DIGITALLY FOR THE WORK SESSION [HTTPS://US06WEB.ZOOM.US/J/85476450628](https://us06web.zoom.us/j/85476450628) AND COUNCIL MEETING [HTTPS://US06WEB.ZOOM.US/J/87242504455](https://us06web.zoom.us/j/87242504455).

1. **MEETING CALLED TO ORDER:** Mayor Bolos
2. **OPENING CEREMONIES**
 - A. PLEDGE OF ALLEGIANCE Councilmember Dixon
 - B. PRAYER/MOMENT OF SILENCE Councilmember Call
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. **PRESENTATION-9/11 COMMEMORATION-MAJOR BRENT TAYLOR FOUNDATION**
5. **ACTION ON CONSENT AGENDA**

A. CITY COUNCIL MINUTES	MEETING HELD	June 16, 2021
B. CITY COUNCIL MINUTES	MEETING HELD	July 7, 2021
C. WASTE MANAGEMENT	\$24,964.15	Inv.#2053648-2682-1
D. WEBER COUNTY SHERIFF	\$264,115.75	Inv.#30960
E. WEBER COUNTY TRANSFER STATION	\$22,114.88	Inv.#001-00778997-022-01248635
F. GARDNER ENGINEERING	\$32,478.25	Inv.#0621164-0621169
6. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**
 - A. ACTION ON ORDINANCE 21-2021-C-1, C-2, AND C-3 ZONES
 - B. ACTION ON ORDINANCE 29-2021-TEMPORARY STORAGE UNITS, CONTAINERS, OR STRUCTURE
7. **BID AWARD-2021 ROAD MAINTENANCE**
8. **UPCOMING EVENTS**

Senior Luncheon-July 21, 2021-11:30 AM
9. **COUNCIL UPDATES**
10. **ADJOURNMENT**

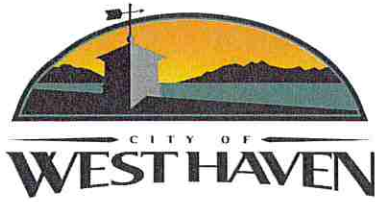
Emily Green

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 JULY 21, 2021**

@

5:00 PM – In City Council Chambers

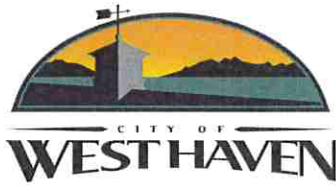
*NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING
PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.*

MEETING TO ORDER:

MAYOR BOLOS

REPORTS AND DISCUSSION AS FOLLOWS:

1. Discussion-Commercial Zones



WEST HAVEN CITY COUNCIL MEETING MINUTES

June 16, 2021 6:00 P.M.

City Council Chambers
4150 South 3900 West, West Haven, UT 84401

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

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

Excused: Amy Hugie City Attorney

5:00 Council Workshop

Mayor Bolos brought to meeting to order.

Mike Fisher went over building permit requirements.

Genneva Blanchard gave a presentation for a heavy equipment rental business.

1. MEETING BROUGHT TO ORDER:

*The Council met at their regularly scheduled meeting held in the Council Chambers.
Mayor Bolos brought the Meeting to order at 6:01 pm. and welcomed those in attendance.*

2. OPENING CEREMONIES

A. Lead by Councilmember Call

B. Lead by Councilmember Dixon

3. PUBLIC PRESENTATION

No one came up at this time.

4. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	June 2, 2021
B. SAFETY SUPPLY & SIGN CO. INC.	\$24,990.00	Inv.#176910
C. WEBER COUNTY TRANSFER STATION	\$22,655.79	Inv. #022-01225525-022-01235980
D. WEBER COUNTY ANIMAL	\$19,973.00	Inv. #30818-30819
E. WASTE MANAGEMENT	\$24,593.00	Inv. #2049823-2682-7
F. WEST HAVEN SPECIAL SERVICE DISTRICT	\$20,000.00	2018, GMC-Canyon, Truck

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

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

A. PRELIMINARY AND FINAL SITE PLAN APPROVAL-BMC WEST SHOP ADDITION-2380 S 1900 W-AMBRA BAKER

Councilmember Hunter made a motion to give preliminary and final site plan approval based on the modifications that have been made. **Councilmember Morse seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

B. PRELIMINARY SITE PLAN APPROVAL-CHURCH OF GOD OF SEVENTH DAY=VASILIIY KOSHILKA

Councilmember Call asked how many people would be attending the church.

Vasiliy Koshilka said about 20 families.

Steve Anderson said they have the proper ingress and egress for the Utah Department of Transportation.

Mr. Koshilka said that he would work with staff for building and landscaping requirements.

Councilmember Dixon made a motion to give preliminary site plan approval. **Councilmember Hunter seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

C. ACTION ON ORDINANCE 20-2021-MASTER DEVELOPMENT AGREEMENT-3460 W 3600 S-RSET LLC

Councilmember Morse asked about the lots bordering A-1 and A-2 zones to see if the sizes have been increased.

Rick Scadden confirmed they have been increased.

Councilmember Dixon asked if the patio home lots have changed size.

Mr. Scadden said it does not change the size of those but they did lose a few lots. He did say that lots 125, 126, 127, and 128 need to be adjusted in size.

Councilmember Call pointed out that 120, 121, and 122 are different sizes on the color rendering.

Mr. Scadden said that was changed when they shifted the road.

Councilmember Morse pointed out some issues with buffering near the A-2 zone.

Mr. Scadden said they could modify lots 117, 118, and 119.

Councilmember Morse asked when the trail and improvements will be added during the construction.

Mr. Scadden said they could specify that in the master development agreement.

Steve Anderson expressed concern about the trail crossing and possibly changing it.

Councilmember Vanderwood suggested a letter from the Westwood's allowing no buffering near their homes.

Mr. Scadden agreed to get that.

Councilmember Call asked about the setbacks.

Councilmember Vanderwood suggested adding that to the master development agreement.

Councilmember Hunter made a motion to adopt ordinance 20-2021 with the following conditions; the mayor will sign the ordinance after the receipt of letters or a letter from immediate A-1 neighbors on the south, the master development agreement will be clarified with the exhibit B showing lots 117-120 and 124-127 being over 17,000 square feet, additional language put in that the trail is completed at the same time as the adjacent phase, the map in exhibit B shows the setbacks per the associated zoning, and to have the color map match the other map. **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.**

6. **PUBLIC HEARING-**For the purpose of opening the current 2020-2021 Budget to make certain adjustments.

Ryan Child gave an overview of the 2020-2021 budget and said that an additional \$5,000 would need to be added to the protective inspection budget line.

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

Mayor Bolos invited the public up for comment.

No one came up at this time.

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

7. **ACTION ON PUBLIC HEARING-ACTION ON ORDINANCE 24-2021-AMENDING CURRENT 2020-2021 CITY BUDGET**

Councilmember Call made a motion to adopt ordinance 24-2021. **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.**

8. **PUBLIC HEARING-**For the purpose of allowing public in put on the proposed 2021-2022 Tentative Budget prior to Final Adoption.

Matthew Jensen gave an overview of the 2021-2022 budget.

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

Mayor Bolos invited the public up for comment.

Lacy Richards noted multiple personnel changes on this budget and said that eliminating the emergency manager position does not make sense. She presented a proposal of reducing the salaries of council to help with the emergency manager's salary.

David Smith asked what the details prompting an increase for the Weber County Sheriff contract were. He also asked if there is a particular cap or percentage for the unrestricted balance.

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

9. **ACTION ON PUBLIC HEARING-ACTION ON ORDINANCE 23-2021-ADOPTION OF 2021-2022 CITY BUDGET**

Matthew Jensen said that the Sheriff's office has had an increase in costs because of additional personnel for the P.O.P. unit and call volumes and populations have led to the contract increase.

Ryan Child said that the general fund is the only one that has a cap on the balance for unrestricted funds.

Mayor Bolos asked that an additional \$5,000 be added to the historical markers line item.

Councilmember Hunter made a motion to adopt ordinance 23-2021 changing historical markers to \$10,000 and \$5,000 for possible grant money. **Councilmember Morse seconded** the motion. **Roll Call:** Councilmember Vanderwood, nay; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Motion passes 4:1.**

10. **PRESENTATION-SURVEY RESULTS-Y2 ANALYTICS**

Kyrene Gibbs gave a presentation on the survey results. There is a copy of the presentation on the city's website.

11. **ACTION ON RESOLUTION 23-2021-FRAUD RISK ASSESSMENT**

Ryan Child went over the fraud risk assessment. This assessment is done yearly per the Utah State Auditor's recommendation.

Councilmember Morse made a motion to adopt resolution 23-2021. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

12. **BID AWARD-PREVEDEL PARK PHASE 1**

Councilmember Morse made a motion to reject all bids. **Councilmember Hunter seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

13. **ACTION ON RESOLUTION 22-2021-REPLACING PORTIONS OF RESOLUTION 26-2020-CITY MANAGER CONTRACT**

This resolution removed the termination of council assignment for VIPS (liaison) and Special Events (oversight).

Councilmember Dixon made a motion to adopt resolution 22-2021. **Councilmember Morse seconded** the motion. **Roll Call:** Councilmember Vanderwood, nay; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, nay; Councilmember Morse, aye; **Motion passes 3:2.**

14. **ACTION ON RESOLUTION 24-2021-LAW ENFORCEMENT STUDY**

The Council went over a resolution to get a cost analysis for a police department.

Councilmember Vanderwood made a motion to adopt resolution 24-2021. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

15. **UPCOMING EVENTS**

Council went over upcoming events for this month which are as follows:

Meet the Mayor-June 7, 2021-5:00 PM

Aquatic Night-June 23, 2021-6:00 PM

West Haven Days-June 24, 2021-June 26, 2021

Joint Meeting-June 22, 2021-5:00 PM

16. **COUNCIL UPDATES**

Matthew Jensen went over motion procedure.

Councilmember Dixon said that on 1800 S where there is the trail crossing Ivory Homes has planted a tree and you can't see the crossing lights when you are coming from the west.

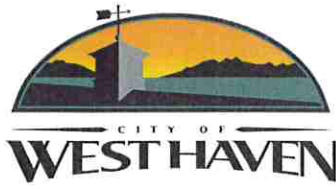
Councilmember Morse asked about the sign for West Haven Days to make sure it is not in violation of our ordinance.

17. **ADJOURNMENT**

Councilmember Morse moved to adjourn at 9:28 PM **Councilmember Dixon seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____



WEST HAVEN CITY COUNCIL MEETING MINUTES

July 7, 2021 6:00 P.M.

City Council Chambers
4150 South 3900 West, West Haven, UT 84401

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

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

Excused: Amy Hugie City Attorney

5:00 Council Workshop

Council discussed partnering with the school for a recreation center and ultimately decided against it.

Matthew Jensen went over council assignment possibilities.

1. MEETING BROUGHT TO ORDER:

The Council met at their regularly scheduled meeting held in the Council Chambers.

Mayor Bolos brought the Meeting to order at 6:01 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

A. Lead by Councilmember Morse

B. Lead by Councilmember Hunter

3. PUBLIC PRESENTATION

Lt. Curtis Jeffries introduced himself from the Weber County Sheriff's office.

4. ACTION ON RESOLUTION 26-2021-ELECTRONIC ATTENDANCE

Councilmember Hunter suggested changing verbal to video on the resolution.

Councilmember Hunter made a motion to adopt resolution 26-2021 with the change of verbal to video on the 5th whereas paragraph. **Councilmember Morse seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; Councilmember Call, aye; **Vote was unanimous.**

5. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	June 16, 2021
B. CITY COUNCIL AND PLANNING COMMISSION MINUTES	MEETING HELD	June 22, 2021
C. CITY COUNCIL SPECIAL MINUTES	MEETING HELD	June 24, 2021
D. CITY COUNCIL SPECIAL MINUTES	MEETING HELD	June 29, 2021
E. GARDNER ENGINEERING	\$21,423.25	Inv.#0521180-0521185
F. PRO-LINK FENCE COMPANY	\$19,804.41	Inv.#8222
G. UTAH JAZZ	\$11,743.00	Inv.#JJ302-IN
H. ADVANCED PAVING & CONSTRUCTION LLC	\$50,559.71	Inv.#2737
I. YOUNG AUTOMOTIVE GROUP	\$16,712.59	Inv.#5196

Councilmember Vanderwood asked for a little more detail on a few items for the June 16, 2021, minutes.

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

Councilmember Dixon joined the meeting at 6:15 PM.

6. **PRESENTATION-WEBER COUNTY SCHOOL DISTRICT**

Weber County School district gave an informational presentation on the bond they are doing as what it will go to.

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

A. ACTION ON ORDINANCE 27-2021-REZONE FROM A-2 TO C-2-APPROX. 4000 S 3500 W-HOLIDAY OIL

Councilmember Morse said that the unused portion of the property would have to be kept free of weeds.

Councilmember Morse made a motion to adopt ordinance 27-2021. **Councilmember Hunter seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

B. RE-FINAL SITE PLAN APPROVAL-WEST HAVEN BUSINESS PARK AESTHETICS-1750 S 1900 W-JEREMY KRAUSE

Jeremy Krause resubmitted aesthetics for the West Haven Business Park for approval.

Councilmember Hunter made a motion to give re-final site plan approval. **Councilmember Morse seconded** the motion. Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

C. PRELIMINARY SUBDIVISION APPROVAL-WEST RIDGE ESTATES SUBDIVISION-4950 W 3300 S-STILLWATER CONSTRUCTION GROUP

Councilmember Vanderwood expressed concern of this being over the allowed density and about buffering.

Justin Nielsen said that buffering cannot be enforced for properties outside of the city and agreed to take out a lot for the subdivision.

Councilmember Hunter made a motion to preliminary subdivision approval with the reduction of one lot. **Councilmember Dixon seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, nay; Councilmember Hunter, aye; Councilmember Morse, nay; **Motion passes 3:2.**

D. PRELIMINARY SUBDIVISION APPROVAL-3460 W 3600 S-RSET LLC

Councilmember Call asked what the road width is.

Rick Scadden said 66 feet.

Councilmember Vanderwood made a motion to give preliminary subdivision approval. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

E. ACTION ON ORDINANCE 21-2021-C-1, C-2, AND C-3 ZONES

Councilmember Hunter suggested adding a limit of how many car washes are allowed in a certain amount of area.

Councilmember Hunter and Morse said they would like to relook at what is conditional and not in this ordinance.

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

F. ACTION ON ORDINANCE 25-2021-ANIMAL KEEPING

Daniel Tanner went over the changes made to the animal keeping ordinance.

Councilmember Morse made a motion to adopt ordinance 25-2021. **Councilmember Vanderwood seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

8. **BID AWARD-PREVEDEL PARK PHASE 1**

Councilmember Hunter made a motion to award the bid to Rockhard in the amount of \$321,816.05 **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.**

9. **PUBLIC HEARING-**For the purpose of receiving public input with regard to the proposed annexation at approx. 3500 W and 3100 S

Jeff Hales said that the school district has decided to ask for this property to be rezoned to R-2 in the annexation.

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

Mayor Bolos invited the public up for comment.

No one came up at this time.

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

10. **ACTION ON PUBLIC HEARING-Adopting of Ordinance 26-2021-**Annexing property located at approx. 3500 W and 3100 S

Councilmember Dixon made a motion to adopt ordinance 26-2021. **Motion dies for lack of a second.**

Councilmember Call said she would like the zone to be A-2 instead of R-2.

Councilmember Morse expressed concern about the zone.

Councilmember Hunter expressed concern that the zone should be A-2.

Councilmember Vanderwood expressed concern about the zone.

Councilmember Morse made a motion to adopt ordinance 26-2021 changing the zone to A-2. **Councilmember Vanderwood seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, nay; Councilmember Morse, aye; **Motion passes 4:1.**

Councilmember Dixon left the meeting at 8:59 PM.

11. **EXECUTIVE SESSION-**The Council will consider a motion to enter into a closed meeting for the purpose of a strategy session to discuss the purchase, exchange, or lease of real property; pending or reasonably imminent litigation; and 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 Vanderwood made a motion to enter into the executive session. **Councilmember Call seconded** the motion. Councilmember Vanderwood, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

Mayor Bolos said the meeting was used to discuss the purchase, exchange, or lease of real property; pending or reasonably imminent litigation; and discussion of character and professional competence of an individual.

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

12. **UPCOMING EVENTS**

Council went over upcoming events for this month which are as follows:

Meet the Mayor-July 15, 2021-5:00 PM

Senior Luncheon-July 21, 2021-11:30 AM

Touch a Truck-Tentatively August 30, 2021

Councilmember Dixon entered the meeting at 10:02 PM.

13. **ACTION ON RESOLUTION 25-2021-ATTORNEY SERVICES CONTRACT**

Councilmember Morse made a motion to adopt resolution 25-2021 with the change from a two year contract to a one year contract and with the effective date to be July 1, 2021. **Councilmember Vanderwood seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

14. **DISCUSSION-REPEALING ORDINANCES**

Matthew Jensen said there are three ordinances that are very outdated and need to be repealed.

Council agreed that those ordinances needed to be repealed to update the code.

15. **COUNCIL ASSIGNMENTS**

Councilmember Vanderwood-Representative for the Chamber of Commerce

Councilmember Dixon-Youth Council

Councilmember Call-Arts Council and Utah Economic Alliance

16. **COUNCIL UPDATES**

Councilmember Vanderwood recommended a shuttle service to fix the parking problem that occurred on West Haven Days.

Councilmember Dixon suggested the mutton bustin riders to get a ribbon.

17. **ADJOURNMENT**

Councilmember Call moved to adjourn at 10:20 PM **Councilmember Dixon seconded** the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Hunter, aye; Councilmember Dixon, aye; **Vote was unanimous.**

Emily Green

City Recorder

Date Approved: _____

ORDINANCE NO. 21-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO CHAPTER 8, IN THE ZONING CODE REGARDING
COMMERCIAL ZONES C-1, C-2, C-3, AND MAKING NECESSARY
LANGUAGE CHANGES TO THE ZONING CODE TO EFFECT THOSE
CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE
CHANGES.**

Section 1. Recitals:

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

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, in conformance with Title 10, Section 9a – the Municipal Land Use, Development and Management Act, the governing body of the city may pass ordinances defining zoning and what are acceptable uses within each zone and within the city; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and,

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code in regards to certain sections of the Commercial Zones, should be made; and,

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that Chapter 8 of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

The following language shall replace the existing language in Chapter 8 of the Zoning Code:

See Exhibit “A” – *COMMERCIAL ZONES, C-1, C-2, C-3*

Any other language of Chapter 8 not specifically changed by Exhibit A shall remain the same.

The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the provisions of 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 any prior Ordinances and Resolutions, together with their specific 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.

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 21st day of July, 2021 and after publication or posting as required by law.

DATED this 21st day of July, 2021.

WEST HAVEN, a municipal corporation

by: _____
Mayor Sharon Bolo

Attested and Recorded

Emily Green

EXHIBIT "A"

Ordinance 21-2021

Chapter 8 Commercial Zones C-1, C-2, C-3

DRAFT

CHAPTER 8¹

COMMERCIAL ZONES C-1, C-2, C-3

- Section 1: Purpose and Intent
- Section 2: Site Development Standards
- Section 3: Sign Regulations
- Section 4: Special Regulations
- Section 5: Uses
- Section 6: Enforcement and Fines
- Section 7: Regulations for Temporary Storage Units, Containers and Structures

SECTION 1 PURPOSE AND INTENT:

The purpose of ~~the C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional Commercial Zones~~ is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of West Haven. It is also to separate into four zone uses, based upon type of activity that are compatible and complementary, as well as intensity of land utilization and accessory use needs "C" (commercial) zoning districts are intended to provide area for commercial uses based on considerations such as: the intensity of the use, goods and services provided, and the market area. In all cases, these zoning districts shall abut an arterial or major collector street. All permitted uses in C-3 are allowed within the Manufacturing Zones.

1. The C-1 – **"Neighborhood Commercial"** zone is intended to provide commercial services to an area of limited size, for basic trade and personal services which occur regularly or frequently. The major market area for this zoning district is the adjacent residential areas. This type of zoning district should be located at the intersection of arterial or collector streets. It services both pedestrian and vehicular traffic.
2. The C-2 – **"Community Commercial"** zone is to provide a range of commercial uses greater than that of the C-1, but at a lower intensity than the C-3- Regional Commercial zone. The basic market for this zoning district is vehicular-oriented. This type of zoning district is best located at the intersection of arterial streets.
3. The C-3 – **"Regional Commercial"** zone is to provide an area in which a full range of commercial and professional uses may locate in a limited area. The limited area of this zoning district functions to heighten the intensity of use, concentrate activity, and make it a community focal point. These zoning districts should abut major arterial streets and be located near freeway access, as well as mass transit lines.

DEFINITION

COMMERCIAL AREA, COMMERCIAL ZONE: Any area of the city with a zoning designation of C-1, C-2, C-3, CBD, PI and PCR under Chapter 8 of this code, and the abutting public streets and public premises.

SECTION 2 SITE DEVELOPMENT STANDARDS

		C-1	C-2	C-3
Minimum Lot Area		none	none	none
Minimum Lot Width		none	none	none
Minimum Yard Setbacks				
	Front	15 ft	15 ft	15 ft
	Side	None, except 10 feet adjacent to residential zone boundary.		
	Side facing street on corner lot	15 feet	15 feet	15 feet
	Rear	None, except 10 feet where building rears on a residential zone.		
Building Height				
	Minimum	One Story		
	Maximum	~~2-1/2 stories~~ 35 feet	~~None~~ 35' when adjacent to residential, no restriction if 150' from residential	none
Maximum Lot Coverage		Not over 60% of lot area by buildings or accessory buildings	same	same

SECTION 3 SIGN REGULATIONS:

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Chapter 24 - Signs, of this Ordinance. Permitted signs are listed in Section 18.

SECTION 4 SPECIAL REGULATIONS:

- A. Hereinafter specified permitted and Conditional uses shall be permitted only when the following conditions are complied with:
1. All manufacturing shall be done within a completely enclosed building.
 2. All uses shall be free from objection because of odor, dust, smoke, or noise
 3. In the C-1 neighborhood Commercial Zone no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.
 4. All premises shall be clean and sanitary, free from all accumulation of debris, filth, rubbish, garbage or other offensive matter, also free from bedbugs, roaches, vermin and rodents.
 5. The storage, collection, and disposal of refuse shall be so managed as to create no health hazards, rodents harborage, insect breeding area, accident hazards or air pollution. When rats or other rodents are known to be in the premises, the operator shall take definite actions, as directed by Health Officer or other proper City Official, to exterminate them.
 6. All garbage shall be collected at least once each week. Where public collection service is not available, the operator shall arrange for all refuse to be collected and transported to a public disposal area in covered vehicles or covered containers.
 7. All premises shall make provision for an enclosed area for the storage of trash and garbage which shall be constructed of moisture resistant material which will permit frequent washing and cleaning and disinfecting as necessary without excessive deterioration.
 8. All trash and garbage storage areas constructed and located as required by this part shall be sited on premises such that a minimum of negative visual impact, as reasonably determined by the City's Building Inspector, is maintained.
- B. A car wash shall be permitted subject to the following restrictions;
1. ~~Off-street vehicle storage- staging~~ required as follows:
 - a. One bay car wash, four spaces in the approach lane
 - b. Two bay car wash, three spaces in the approach lane for each wash bay
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay
 2. Operation or use is forbidden between the hours of 10:00 pm and 6:00 am ~~on the following morning~~ in C-1 Zones only.
 3. There shall not be more than four washing bays for a manual spray car wash in C-1 Zones only.
- C. Residential component can be included for a business as a conditional use (ie: security purposes).

DRAFT**Chapter 8 – Zones C-1, C-2, C-3****SECTION 5 USES:**

In the following list of possible uses those designated in any zone as:

"P" - will be a **Permitted Use**.

"C" - will be allowed only when authorized by a **Conditional Use Permit** obtained as provided in Chapter 11 of this Zoning Ordinance.

"N" - will **Not Be** allowed in that zone.

	C-1	C-2	C-3
A			
~~Accessory buildings and uses customarily incidental to a permitted use~~	~~C~~	~~C~~	~~P~~
Adult Novelty, Bookstore, Video (See S.O.B. Ordinance)			
Air conditioning, sales and service (HVAC)	N	~~C~~ P	P
Altering, pressing and repairing of wearing apparel	P	P	P
Amusement enterprises	N	C	C
Antique, import or souvenir shop	C	P	P
Apartment, multi-family	N	N	N
Arcade	~~N~~ P	~~C~~ P	~~C~~ P
Archery shop and range, provided it is conducted within a completely enclosed bldg	N	~~C~~ P	P
Art and artists supply store	~~C~~ P	P	P
Assisted Living Center, Medical Rehabilitation	~~N~~ C	C	C
Athletic and sporting goods store	C	P	P
Athletic Club	C	P	P
Auction establishment	N	C	C
Automobile repair including paint, body and fender, brake muffler, upholstery or transmission work, provided it is conducted within a completely enclosed bldg	N	C	C

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Automobile, new or used, sales and service	N	C	C
Awning sales and service	N	€ P	P
Automobile New parts sales & service	€ N	P	P
Automobile Maintenance Service, ie, lube, oil, brakes	N	€ P	€ P
B			
Bakery manufacture limited to goods retailed on premises	P	P	P
Bank or financial institutions	P	P	P
Barber and Beauty-shop	€ P	P	P
Batting Cages indoor or outdoor	N	C	P
Beauty culture school	N	€ P	P
Beauty Shop, Boutique, Nail salon, Permanent Make up, Esthetician	P	P	P
Bed and Breakfast Inn	C	C	P
Bed and Breakfast Hotel	N	C	P
Beer club, Bar (see Tavern)			
Bicycle sales and service	C	P	P
Billiard Parlor - No Alcohol	C	P	P
Boat sales and service	N	C	P
Bookbinding	N	N	P
Bookstore, retail	€ P	P	P
Bottling & distribution plant	N	N	C
Bowling alley	N	C	€ P

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Boxing arena	N	N	C
Building materials retail sales yard	N	CC	CC
Bus Terminal	N	N	C
C			
Cafe or cafeteria	CP	P	P
Call Center	N	P	P
Camera store	P	P	P
Candy store, confectionery	CP	P	P
Cannabis Production and/or Sales	N	N	P
Carbonated Water Sales	C	P	P
Carpenter and cabinet shop	N	NC	CP
~~Carpet and rug cleaning~~ Duplicate to below	N	N	C
Car wash, Automatic (refer to Item 2 in <u>22.08 Special Regulations</u> noted above)	CN	C	P
Car wash, manual spray (refer to Item 2 in <u>22.08 Special Regulations</u> noted above)	C	CP	P
~~Cash register sales/service~~	N	N	C
Catering establishment	NC	C	P
China, crystal/silver shop	CP	P	P
Christmas tree sales	C	C	P
Church – Rent, Cannot build	NC	NC	NC
Church, temporary revival – Rent, Cannot build	N	NC	NC
Circus, carnival or other transient amusement	N	N	C

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Clinics, medical or dental	P	P	P
Clothing and accessory store	€ P	P	P
Coffee Shop	€ P	P	P
Communication equipment building	N	~~N~~ P	P
Contractor shop, provided work conducted within a completely enclosed bldg	N	N	C
Costume rental	€ P	P	P
Convenience Store	€ N	~~P~~ C	~~P~~ C
D			
Dairy products store	P	P	P
Dance hall/minors/non-alcoholic	N	C	C
Daycare/Preschool	C	C	C
Delicatessen	P	P	P
Department Store	N	€ P	P
Detective agency	C	€ P	P
Diaper service, including cleaning	N	P	P
Drapery and curtain store (blinds, retail)	€ P	€ P	P
Drug store	€ N	C	P
Driving Range - Indoor	C	P	P
Dry cleaning establishment	N	C	P
Dry cleaning pickup station, no dry cleaning on premis	€ P	€ P	P
~~Dental Office-Duplication - See Clinics~~	€	~~P~~	~~P~~

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E			
Educational institution - Tutoring, Learning centers	C	CP	P
Educational institution – Post High School without housing	C	P	P
Electrical and heating appliances and fixtures ~~safes sales~~ and service	N	CP	P
Electronic equipment sales & service	C	CP	P
Employment agency	N	CP	P
Event Center	N	C	C
Express & transfer service	N	CP	CP
F			
Fabric and textile store	CP	P	P
Farm implement sales	N	C	P
Flooring	N	C	C
Florist shop	CP	P	P
Fueling Station — Vehicles under 40,000 GVW	N	C	CP
Fueling Station – Vehicles under 40,000 GVW with car wash	N	C	P
Fueling Station — Liquid Natural Gas LNG	N	N	C
Fruit store or stand	CP	P	P
Furniture sales and repair	C	CP	P
Fur apparel sales, storage or repair	CP	CP	P
G			
Garden supplies and plant materials sales	C	P	P

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Gift store	€ P	P	P
Glass sales and service	C	P	P
Go Cart Track - Indoors	N	C	C
Golf Course	N	C	C
Government buildings or uses, non industrial	C	P	P
Greenhouse and nursery; soil & lawn service	C	P	P
Grocery store	€ N	€ P	P
Gun Range - Indoors	N	C	C
Gun Sales and Service	N	C	C
Gunsmith	C	P	P
Gymnasium	C	P	P
H			
Hardware stores	C	€ P	P
Health club	C	€ P	€ P
Health food store	P	P	P
Heavy Equipment Rental, Sales and Service (only north of 3300 S)	N	C	C
Heliport	N	N	C
Hobby & crafts store	P	P	P
Homeless Shelter	N	N	N
Hospital supplies	C	P	P
Hotel	N	C	P

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House cleaning and repair	N	~~N~~ P	~~C~~ P
Household appliance sales and incidental service	N	~~C~~ P	P
Hospital	N	C	C
Home Improvement Large Box	N	~~N~~ C	C
I			
Ice cream manufacture	N	N	C
Ice cream parlor (small production allowed)	P	P	P
Insulation sales	N	~~N~~ C	C
Insurance agency	~~C~~ P	P	P
Interior decorator and designing establishment	~~C~~ P	P	P
J			
Janitor sales service and supply	N	~~C~~ P	P
Jewelry store sales and service	P	P	P
K			
~~Reserved for the future~~			
Kennel, Indoor with outdoor exercise area	N	C	C
L			
Laboratory, dental or medical	N	~~C~~ P	~~C~~ P
Landscaping/Yard care (Only north of 3300 S)	N	C	C
Launderette or Laundromat	C	P	P
Lawn mower sales and service	N	~~C~~ P	P

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Leather goods, sales & service	€ P	P	P
Legal office	€ P	P	P
Library public	P	P	P
Linen store/retail	€ P	P	P
Linen supply service	N	N	C
Liquor store	N	N	C
Locksmith	€ P	P	P
Lodge or social hall	N	N	C
Luggage store	~~N~~ P	€ P	€ P
Lumber yard	N	N	C
M			
Machine shop operations incidental to any use permitted in C-3 district	N	N	C
Manufacturer of goods retailed on premises	N	~~N~~ C	C
Meat Custom cutting & wrapping excluding slaughtering	N	C	C
Meat, fish & seafood store retail	C	P	P
~~Medical Office~~ Duplication, see clinics	€	~~P~~	~~P~~
Miniature golf	C	C	C
Mobile Homes Sales	N	N	C
Monument works and sales	N	C	P
Mortuary	N	€ P	P
Motel	N	C	P

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Motorcycle, ATV's & motor scooters sales & service	N	C	C
Museum	€ P	P	P
Music Store	€ P	P	P
N			
Needlework, Embroidery or knitting store	€ P	P	P
Nightclub or social club (ONLY NORTH OF 3300 S)	N	N	C
Novelty/ Souvenir store (non adult)	€ P	€ P	€ P
Nursery school	C	P	P
Nursing Care Facility	N	C	C
O			
Professional Office – General uses included, Business, Property Management, Investment Firms, Advertising Agency, Secretarial Services Moved from “P”	€ P	P	P
Office in which goods or merchandise are not commercially created, exchanged or sold	C	P	P
Office supply	€ P	P	P
Office machines sales and service	N	€ P	€ P
Optometrist, optician or oculist	P	P	P
Ornamental iron sales or repair	N	C	C
P			
Paint or wallpaper store	N	€ P	P
Pallet repair and manufacturing	N	N	N
Park and Playground	P	P	P

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Parking lot or garage for passenger autos (ie: Park and Ride) only within 1000' of I-15	N	C	C
Pawnshop	N	N	~~P~~ C
Payday Loans and service	N	N	C
Pest Control & extermination	N	C	P
Pet & pet supply store	~~C~~ P	P	P
Pet Grooming (no overnight stay)	C	P	P
Pharmacy	P	P	P
Photographic supplies	P	P	P
Photo studio	P	P	P
Physician or surgeon	~~P~~ C	P	P
Plumbing shop retail store	N	~~C~~ P	P
Popcorn or nut shop	P	P	P
Post office	~~C~~ N	P	P
Printing, copying, lithographing, publishing or reproductions sales and services	N	C	P
Private liquor club (ONLY NORTH OF 3300 S)	N	N	C
~~Professional Office~~ – General uses included, Business, Property Management, Investment Firms, Advertising Agency, Secretarial Services Move to “O”	~~C~~ P	P	P
Propane Sales as an accessory use	N	~~P~~	~~P~~
Public utilities substation	C	C	C
Public Building	C	C	C

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Packaging & Mailing Sales/Service	P	P	P
Q			
~~Reserved for future use~~			
Quilting Sales and service	P	P	P
R			
Racquet Club – Indoors	N	P	P
Radio and television sales and service and service	C	P	P
Radio, television of FM broadcasting station	N	C	P
Real estate agency	€ P	€ P	P
Reception center or wedding chapel	N	C	C
Recreation Center	C	C	C
Recreational Vehicle/ Trailer Storage (no permanent structures greater than 800 sq ft)	N	€ N	C
Recycling Center / Collection	N	N	N
Rental agency for home and garden equip.	N	C	P
Residential Treatment Facility	N	C	C
Restaurant - No Alcohol	C	€ P	€ P
Restaurant – Serving alcohol	N	C	C
Restaurant, drive-in	C	C	P
Restaurant with Cabaret (see S.O.B. Ordinance)			
Retail Sales Establishment	C	P	P
Roller skating rink	N	C	€ P

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Roofing sales	N	CP	CP
S			
Salvage Yard – storage and keeping of scrap materials, automobiles, machinery	N	N	N
Sand Blasting	N	N	N
Second-hand store	N	C	CP
Seed & feed store, retail	N	C	CP
Semi-Truck Fueling Station — Convenience Store- Over 40,000 GVW (In C2 zone, only north of 3300 S.) Moved from “T”	N	NC	C
Sewing machine sale & service	CP	CP	P
Sexually Oriented Business (See S.O.B. Ordinance)	–	–	–
Sheet metal shop and retinning providing conducted within completely enclosed bldg	N	N	C
Shoe repair or shoe shine shop	CP	CP	P
Shoe store	CP	CP	P
~~Shooting range indoor (with retail sales)-Duplicate to gun range~~	N	C	C
Sign Manufacture or sign painting (See WHZC Chapter 56 for Sign Regulations)	N	N	C
Spa, including massage therapy	C	C	P
Storage Units / Self Storage	N	N	N
Supermarket	CN	C	P
T			

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Tailor shop	€ P	€ P	P
Tanning Salon	C	P	P
Tattoo Parlor (ONLY NORTH OF 3300 S)	N	C	C
Tavern/Bar / Club (ONLY NORTH OF 3300 S)	N	~~N~~ C	C
Taxidermist	€ N	C	C
Telecommunications Tower	C	C	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon completion of construction work	C	C	C
Theater, Movie indoor	N	€ P	€ P
Theater, Live Indoor	N	€ P	€ P
Theatre, Outdoor	N	N	C
Tire Sales and Service	N	P	P
Tire recapping or retreading sales & service	N	N	C
Tobacco shop – includes Vape (ONLY NORTH OF 3300 S)	N	~~N~~ C	C
Toy store, retail	C	P	P
Trade or industrial school	N	C	P
Trailer sales & service	N	~~N~~ C	P
Travel agency	€ P	€ P	P
Semi-Truck Fueling Station — Convenience Store- Over 40,000 GVW (In C2 zone, only north of 3300 S) Move to “S”	N	~~N~~ C	C
Tree Trimming/ Arboriculture (Only north of 3300 S)	N	C	C
U			

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Upholstery shop	C	~~C~~ P	P
Used car lot	N	C	C
V			
Variety Store	N	P	P
Vegetable store or stand	C	P	P
Ventilating equipment sales & service	N	C	C
Veterinary (small and large animal w/kennel services)	N	C	C
W			
Warehouse (no manufacturing)	N	N	C
Welding shop	N	N	C
Wholesale business	N	N	C
Window washing establishment	~~C~~ P	~~C~~ P	P

5.10 Undefined Designation

- a. The City Manager, or designee, shall determine the appropriate classification for each commercial application.
- b. In the event that no specific Commercial designation as outlined in Section 22.10 is applicable to the use requested in the commercial application, the City Manager, or designee, shall review the application and may make one of the following decisions:
 1. Determine the closest designation and whether a conditional use permit is necessary; or
 2. Shall forward the application to the planning commission for the commission to determine a designation and whether a conditional use permit is necessary; or
 3. Deny the application and issue findings regarding the reason for the denial.
- c. The City Manager, or designee, has the authority and may approve the application of Commercial Entities that have little to no impact on adjacent parcels or businesses.
- d. All determinations or denials by the City Manager, or designee, may be appealed to the Planning Commission for review.

SECTION 6 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.
 1. For the first violation within any 12-month period, the penalty shall be \$500.
 2. For a second violation within any 12-month period, the penalty shall be \$750.
 3. 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.
 4. 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. This ordinance shall be enforced based upon the geographical map dated Friday April 10, 2020, for any complaints about preexisting non-conforming uses.

SECTION 7 REGULATIONS FOR TEMPORARY STORAGE UNITS, CONTAINERS AND STRUCTURES

1. 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.
2. Permanent use of temporary storage units, containers, or structures may be allowed with a conditional use permit, which shall include a site plan. A temporary storage unit, container, or structure must be placed on a permanent foundation, 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 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

ORDINANCE NO. 29-2021

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO SECTIONS OF THE TEMPORARY STORAGE
UNITS, CONTAINERS, OR STRUCTURE ORDINANCE; MAKING
NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO
EFFECT THOSE CHANGES; AND ESTABLISHING AN
EFFECTIVE DATE FOR THOSE CHANGES.**

Section 1. Recitals:

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

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, in conformance with Title 10, Section 9a – the Municipal Land Use, Development and Management Act, the governing body of the city may pass ordinances defining zoning and what are acceptable uses within each zone and within the city; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and,

WHEREAS, the City Council finds that certain changes and amendments to the West Haven City Temporary Storage Units, Containers, or Structure Ordinance be made; and,

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that West Haven City Zoning Temporary Storage Units, Containers, or Structure Ordinance be, and the same is, changed and amended to read as follows:

See attached Exhibit A, Temporary Storage Units, Containers, or Structure Ordinance with changes delineated.

All other portions, tables and exhibits of the Temporary Storage Units, Containers, or Structure Ordinance that are not delineated in Exhibit A shall remain the same.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that 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 any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4 - Savings Clause:

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

Section 5. Date of Effect

This Ordinance shall be effective on the 20th day of July, 2021, and after publication or posting as required by law.

DATED this 20th day of July, 2021.

WEST HAVEN, a municipal corporation

by:

Mayor

Attested and recorded

Recorder

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.

BID RESULTS FOR WEST HAVEN CITY			Schedule A	Schedule B
2021 Road Maintenance Project				
Schedule A - B				
July 14, 2021				
COMPANY				
1	CKC	\$ 226,162.60	-	
2	Staker Parsons	\$ 73,072.72	123,076.65	
3	Advanced Paving	\$ 66,729.00	122,161.00	
4	Granite	-	146,146.00	
5	Post	-	139,473.00	
6	Kilgore	-	107,267.35	