



WEST HAVEN CITY  
COUNCIL AGENDA

AMENDED

WEDNESDAY, JUNE 07, 2023 6:00 PM  
City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **June 07, 2023** 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.** JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT [HTTPS://US06WEB.ZOOM.US/J/81581435918](https://us06web.zoom.us/j/81581435918), WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCEEQNQBTZJWGTGOPHMCNCBA](https://www.youtube.com/channel/UCEEQNQBTZJWGTGOPHMCNCBA).

**5:00 Council Workshop – 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 VANDERWOOD**

**REPORTS AND DISCUSSION AS FOLLOWS:**

1. **DISCUSSION-COUNCIL DISCUSSION**
2. **PRESENTATION-MIXED USE DEVELOPMENT CONSIDERATION-3300 S 3500 W-RICK SCADDEN**
3. **DISCUSSION-COMPENSATION PHILOSOPHY**

**6:00 PM REGULAR CITY COUNCIL MEETING**

1. **MEETING CALLED TO ORDER**
2. **OPENING CEREMONIES**
  - A. **PLEDGE OF ALLEGIANCE-COUNCILMEMBER CALL**
  - 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.

4. **UPCOMING EVENTS**  
Senior Lunch Bunch-June 28, 2023-11:30 AM  
Rodeo Queen-June 13, 2023-4:00 PM  
West Haven Days-June 20-24, 2023

5. **COUNCIL UPDATES**

**\*\*\*AGENDA ACTION ITEMS\*\*\***

6. **ACTION ON CONSENT AGENDA**
  - A. **CITY COUNCIL MINUTES-MEETING HELD-MAY 17, 2023**
7. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**
  - A. **ACTION ON ORDINANCE 11-2023- REZONE FROM A-1 TO R-2.5-3580 S 2700 W-CHAD EVANS**
  - B. **ACTION ON ORDINANCE 12-2023-AMENDING THE STANDARDS FOR SIGN REGULATION**

- C. ACTION ON ORDINANCE 13-2023-AMENDING THE STANDARDS FOR MIXED USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE
8. PUBLIC HEARING-FOR THE PURPOSE OF RECEIVING PUBLIC INPUT ON AN ORDINANCE ESTABLISHING A FEE FOR FAILED BUILDING INSPECTIONS AND SETTING A FINE FOR VIOLATION OF OCCUPANCY STANDARDS
9. ACTION PUBLIC HEARING-ADOPTION OF ORDINANCE 14-2023-ESTABLISHING A FEE FOR FAILED BUILDING INSPECTIONS AND SETTING A FINE FOR VIOLATION OF OCCUPANCY STANDARDS
10. ACTION ON RESOLUTION 25-2023-AGREEMENT BETWEEN WEST HAVEN CITY AND NILSON LAND DEVELOPMENT, LLC REGARDING THE POULTER FAMILY OPEN SPACE PRESERVE MONUMENT
11. ACTION ON RESOLUTION 26-2023-ESTABLISHING JUNETEENTH AS A CITY OBSERVED HOLIDAY
12. DISCUSSION-PERSONNEL POLICY
13. DISCUSSION-REVIEW R-2 AND R-2.5 RESIDENTIAL ZONES-CARRIE CALL
14. EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; TO BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-205
15. 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](mailto: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](http://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 COUNCIL MEETING MINUTES

May 17, 2023 6:00 PM  
City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

**4:00 Council Workshop – 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 VANDERWOOD**

**REPORTS AND DISCUSSION AS FOLLOWS:**

**1. PRESENTATION-MIXED USE DEVELOPMENT CONSIDERATION-3300 S 3500 W-RICK SCADDEN**

*Rick Scadden gave a presentation on a development that is currently in unincorporated Weber County. He asked the City to consider allowing him to annex in under the Mixed Use zone.*

**2. DISCUSSION-BUDGET WORKSHOP-2023-2024 TENTATIVE BUDGET**

*City Council went over the tentative budget and changes they would like to make.*

**3. DISCUSSION-JUNETEENTH HOLIDAY**

*Council agreed that Juneteenth should be added as a resolution to next meeting to address the holiday in the personnel policy.*

**6:00 PM REGULAR CITY COUNCIL MEETING**

**1. MEETING CALLED TO ORDER-MAYOR VANDERWOOD**

**2. OPENING CEREMONIES**

A. **PLEDGE OF ALLEGIANCE-COUNCILMEMBER SWAPP**

B. **PRAYER/MOMENT OF SILENCE-COUNCILMEMBER MORSE**

**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.

*No one came up at this time.*

**4. UPCOMING EVENTS**

Senior Lunch Bunch-May 24, 2023-11:30 AM  
West Haven Days-June 20-24, 2023  
Rodeo Queen-June 13, 2023

**5. COUNCIL UPDATES**

*There were not updates at this time.*

6. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES-MEETING HELD-MAY 3, 2023

Ryan Saunders made a motion to approve. Carrie Call seconded the motion.

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

7. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)

A. FINAL SUBDIVISION APPROVAL-PARK MEADOWS SUBDIVISION-APPROX. 3015 W 3300 S (PARCEL NUMBER 084050001)-RICK SANDBERG

*Mayor Vanderwood asked if there was enough room to build in this limited space.*

*Rick Sandberg confirmed there is enough room to build.*

Ryan Saunders made a motion to approve. Nina Morse seconded the motion.

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

B. ACTION ON ORDINANCE 11-2023- REZONE FROM A-1 TO R-2.5-3580 S 2700 W-CHAD EVANS

*There was no one present for this item.*

Ryan Swapp made a motion Table. Nina Morse seconded the motion.

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

8. ACTION ON RESOLUTION 21-2023-FOR THE PURPOSE OF ADOPTING THE TENTATIVE 2023-2024 WEST HAVEN CITY BUDGET AND SETTING A PUBLIC HEARING FOR JUNE 21, 2023, TO ACCEPT PUBLIC INPUT ON THE TENTATIVE BUDGET AND TO ADOPT THE FINAL 2022-2023 BUDGET

*Matthew Jensen went over the adjustments for the tentative budget requested in work session. They are to add a COLA to salaries in the amount of \$63,774, to remove the main street study in the amount of \$15,000, remove the recreation truck, remove the outdoor fitness center, and to adjust the Ventrac pricing to \$69,730.*

*Kim Dixon made a motion to adopt with changes as noted. Ryan Saunders seconded the motion.*

AYES: Councilmember Call, Councilmember Saunders, Councilmember Dixon, Councilmember Swapp NAYS: Councilmember Morse

9. AWARD CONTRACT-ACTION ON RESOLUTION 22-2023-PARK MASTER PLAN DESIGN & FEASIBILITY SERVICES-AGREEMENT BETWEEN WEST HAVEN CITY AND G. BROWN DESIGNS

*Matthew Jensen went over the project and design ideas.*

*Mayor Vanderwood expressed a desire to start working on Windsor Park.*

*Councilmember Morse agreed.*

*Mayor Vanderwood suggested doing an open house.*

*Councilmember Morse asked if we could ask them to do a cost estimate for the phasing of the previous plan.*

*Matthew Jensen confirmed that could be done.*

*Councilmember Saunders suggested pulling out the Windsor portion.*

*Councilmember Swapp said he likes the plan the way it is.*

*Councilmember Dixon agreed with Councilmember Swapp.*

**Ryan Swapp made a motion to adopt. Kim Dixon seconded the motion.**

AYES: Councilmember Saunders, Councilmember Dixon, Councilmember Swapp NAYS: Councilmember Call, Councilmember Morse

**10. BID AWARD-3300 S ROADWAY IMPROVEMENT PROJECT**

**Nina Morse made a motion to award to Staker & Parson in the amount of \$2,584,969.00. Ryan Saunders seconded the motion.**

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

**11. DISCUSSION-RE-INSPECTION FEE**

*Matthew Jensen went over the proposed ordinance for re-inspection fees.*

*Council agreed to set the public hearing for June 7, 2023.*

**12. ACTION ON RESOLUTION 23-2023-NATIONAL FITNESS CAMPAIGN AWARD IN THE AMOUNT OF \$30,000-NATIONAL GRANT AWARD**

**Ryan Saunders made a motion Table. Kim Dixon seconded the motion.**

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

**13. ACTION ON RESOLUTION 24-2023-RAMP FUNDING AGREEMENTS BETWEEN WEST HAVEN CITY AND WEBER COUNTY**

*Councilmember Call said the date is wrong on the contracts.*

**Carrie Call made a motion to adopt making the change of the date at the beginning of each agreement. Nina Morse seconded the motion.**

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

**14. EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; TO BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-205**

**Carrie Call made a motion Enter into Executive Session. Ryan Saunders seconded the motion.**

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

**Nina Morse made a motion Leave Executive Session. Ryan Saunders seconded the motion.**

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

*Mayor Vanderwood stated that the executive session was used to discuss pending or reasonably imminent litigation.*

15. **ADJOURNMENT**

Kim Dixon made a motion to adjourn. Carrie Call seconded the motion.

AYES: Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp NAYS:

*Emily Green*

City Recorder

Date Approved:

DRAFT

**Planning Commission  
Staff Review Memo**  
May 17, 2023

Alika Murphy, Planner I



**Rezone 1.25 Acres of Property from A-1 to R-2.5**

**Request:** To rezone 1.25 acres of property from A-1 to R-2.5

**Property Address:** 3580 S 2700 W

**Property Zone:** A-1

**Property Size:** 1.25 acres

**Applicant:** Chad Evans

**Governing Document(s):** WHC General Plan

**Decision Type:** Legislative

**Staff Recommendation:** Grant approval

**Public Hearing Posting:** The public hearing was noticed and posted on April 27, 2023

**Background**

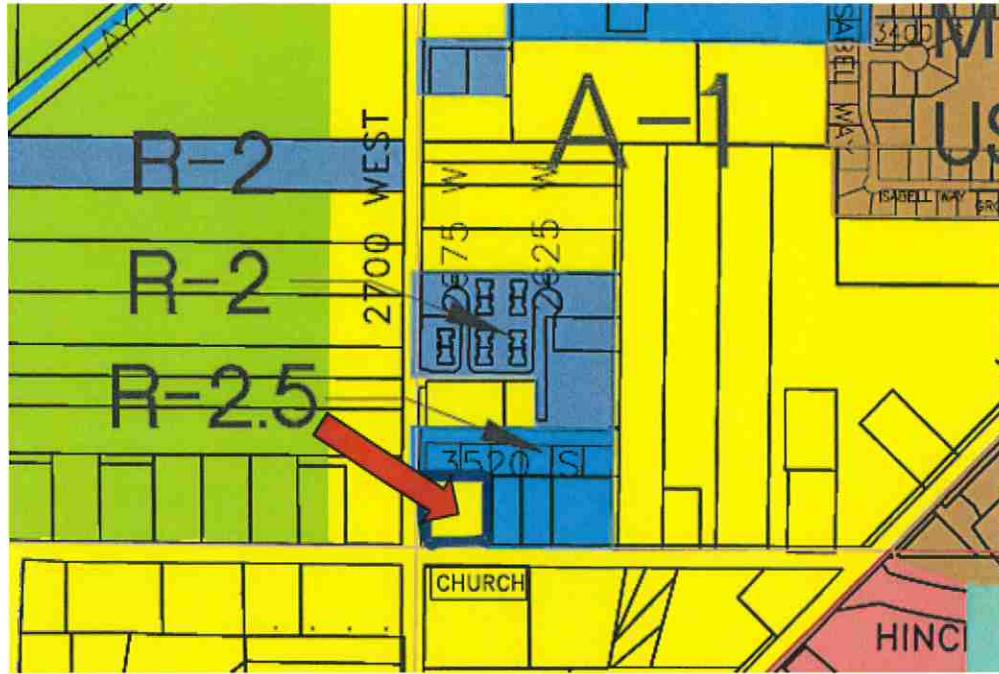
Chad Evans is the owner of 1.25 acres of property at 3580 South 2700 West (the property is highlighted in red). He has filed an application with the city to rezone Parcel # 080280025 from A-1 to R-2.5.



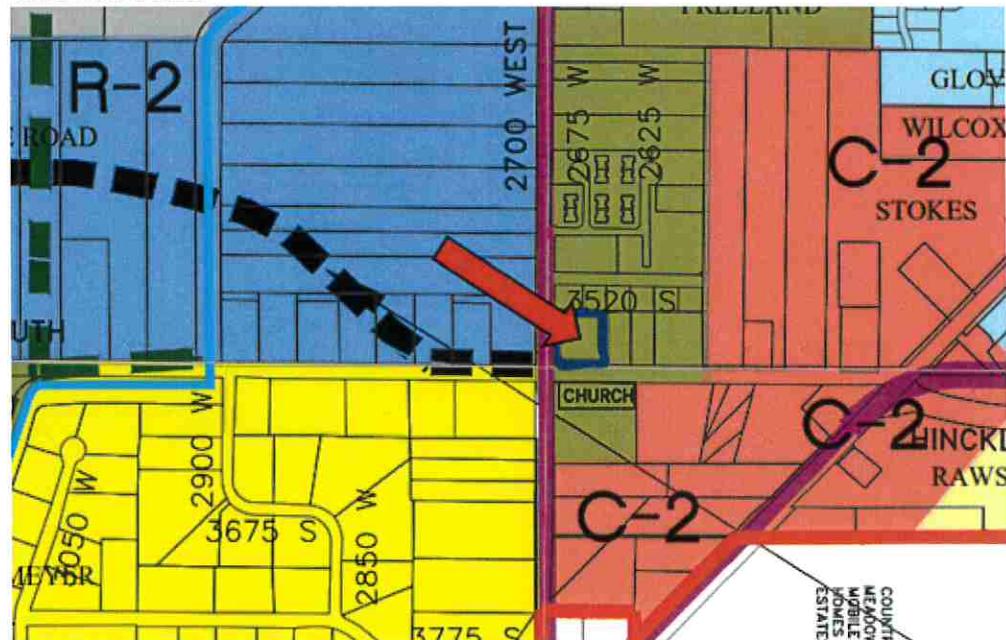
### Staff Review/Recommendation

The General Plan anticipates that this property will be R-2.5 and develop accordingly. The R-2.5 zone allows for single-family dwellings with no more than two and a half units per acre.

#### **Current Zone:**



#### **General Plan:**



COUNTY  
MEADOW  
MOBILE  
HOMES  
ESTATE

### **Permitted Uses**

- (A) Accessory uses and buildings;
- (B) Agriculture;
- (C) Dwellings, single-family;
- (D) Animal keeping;
- (E) Home occupations, except preschools and day care; and
- (F) Pets; the keeping of household pets.

### **Building Lot Requirements**

- (A) *Density.* There shall be no more than two and one-half residential units per acre contained within the boundaries of each phase of every subdivision or planned unit development; except when previously-completed phases of the same development have sufficiently low density so that the average is still two and one-half residential units per acre or less. A twin home shall count as two residential units.
- (B) *Lot area.* There shall be a minimum of 10,000 square feet for single-family and 12,500 square feet for twin homes in each lot. When a variety of lot sizes are used, the larger will be placed against existing lots.
- (C) *Lot width.* Minimum lot width is 80 feet, and 100 feet for twin home lots. Corner lots shall be 85 feet. Variances may be granted for odd-shaped lots by the Planning Commission.
- (D) *Buffer.* All lots contiguous to an A-1, A-2, or R-1 Zone are to be a minimum of 16,000 square feet.

The request is consistent with the Future Land Use Map in the WHC General Plan. At the May 10, 2023 meeting, the Planning Commission recommended that the Council grant approval.

Accordingly, staff recommends that the Council grant the rezone request as presented and as recommended by the Planning Commission.



## ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission  
4150 S 3900 W West Haven, UT 84401  
801-731-4519

Existing Zone A-1 Proposed Zone R2.5 No. of acres/Sq. Ft. 1.2 Acres

Property Address 3580 South 2700 W Parcel # 080280025

What use is requested R-2.5

Owners Name Chad Evans

Agent Name

Signed: Chad Evans Date: 4/25/2023  
(Owner/Petitioner)

I authorize \_\_\_\_\_ to act as my representative in all matters relating to this application.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Agent as Authorized by Owner)

State of Utah )

§

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me,

a notary public, personally appeared \_\_\_\_\_, proved on the basis of satisfactory  
name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.



## ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission  
4150 S 3900 W West Haven, UT 84401  
801-731-4519

Existing Zone A-1 Proposed Zone R2.5 No. of acres/Sq. Ft. 1.2 Acres

Property Address 3580 South 2700 W Parcel # 080280025

What use is requested R-2.5

Owners Name Chad Evans

Agent Name \_\_\_\_\_

Signed: Chad Evans Date: 4/25/2023  
(Owner/Petitioner)

I authorize \_\_\_\_\_ to act as my representative in all matters relating to this application.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Agent as Authorized by Owner)

State of Utah )

§

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me,

a notary public, personally appeared \_\_\_\_\_, proved on the basis of satisfactory  
name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

**ORDINANCE NO. 11-2023**

**AN ORDINANCE OF THE CITY OF WEST HAVEN, UTAH REZONING CERTAIN PROPERTY WITHIN ITS BOUNDARIES FROM AGRICULTURAL A-1 TO RESIDENTIAL R-2.5, AMENDING THE ZONING MAP OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Section 1 - Recitals:**

**WHEREAS**, the City Council finds that the planning commission has caused to be prepared and has recommended to the City Council a proposed zoning ordinance and general plan; and,

**WHEREAS**, the City Council finds that the full text of the zoning ordinance and its associated and related maps, representing the commission's recommendations for zoning all or any part of the area within the municipality have been subjected to the required public hearing prior to its adoption; and,

**WHEREAS**, the City Council finds that the City Council lawfully adopted the zoning ordinance as proposed with all later amendments thereto; and,

**WHEREAS**, the City Council finds that Utah Code ("UC") §10-9a-503 provides that the legislative body may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the zoning ordinance; and,

**WHEREAS**, the City Council finds that the City Council may make no amendment to the City's zoning ordinance or zoning maps unless the amendment was proposed by the planning commission or is first submitted to the planning commission for its approval, disapproval, or recommendations; and,

**WHEREAS**, the City Council finds that West Haven City desires to comply with the procedure specified in UC §10-9a-502 in preparing and adopting an amendment to the zoning ordinance or the zoning map; and,

**WHEREAS**, upon petition to West Haven City, and after having been reviewed by the West Haven City Planning Commission, the City Council determines it to be in the best interest of the City to change the existing zone of certain parcels in the City from Agricultural A-1, to Residential R-2.5 as outlined herein; and,

**WHEREAS**, the City Council finds that such a change follows the City's General Plan; and,

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

**NOW THEREFORE, BE IT ORDAINED** BY THE CITY COUNCIL OF WEST HAVEN, UTAH that the City Zoning Ordinance is changed and amended as follows:

**Zoning Changes:**

These described lands and premises within the boundaries of the City are re-zoned from Agricultural A-1 to Residential R-2.5: Parcel 08-028-0025, more accurately described as:

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING 1065 FEET SOUTH AND 40 FEET EAST FROM THE NORTHWEST CORNER OF THE SOUTH 1/4 OF SAID QUARTER SECTION; RUNNING THENCE EAST 215 FEET; THENCE SOUTH 255 FEET; THENCE WEST 215 FEET; THENCE NORTH 255 FEET TO BEGINNING. CONTAINING 1.25 ACRES, M/L. SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD.

**Enactments:**

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

**Section 3 - Prior Ordinances and Resolutions:**

The body and substance of all prior Ordinances and Resolutions, 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 be held or deemed or be invalid, inoperative, or unenforceable, such reason will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed 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 7<sup>th</sup> day of June, 2022

DATED this 7<sup>th</sup> day of June, 2023.

WEST HAVEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Rob Vanderwood

Attested and recorded

\_\_\_\_\_  
Emily Green, City Recorder

**ORDINANCE NO. 12-2023**

**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE STANDARDS FOR SIGN REGULATIONS; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**

**Section 1 – Recitals**

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

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by the laws of the State of Utah or any other provision of law; and,

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

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code in regards to amending the language for §157.755-761 should be made; and

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

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

- a. **§ 157.755 through and including §157.761 - “Sign Regulations” is amended as found in the attached Exhibit A.**

The forgoing Recitals are fully incorporated herein.

**Section 2 – Prior Ordinances and Resolutions**

That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**Section 3 – Repealer of Conflicting Enactments**

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

**Section 4 – Savings Clause**

If any provision of this Ordinance be held or deemed invalid, inoperative or unenforceable, such will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

**Section 5 – Date of Effect**

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 7<sup>th</sup> day of June, 2023

WEST HAVEN CITY

Rob Vanderwood  
Mayor

ATTEST:

Emily Green, City Recorder

**DRAFT**

## SIGN REGULATIONS

### § 157.755 PURPOSE AND INTENT.

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

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

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

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

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

### § 157.756 ENFORCEMENT; APPEALS; VARIANCES.

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

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

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

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

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

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

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

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

- (a) Temporary signs shall be given 72 hours to take the corrective steps; and
- (b) Permanent signs shall be given 30 days to take the corrective steps.

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

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

(H) Any person who wishes to appeal any decision or notice of action undertaken pursuant to this subchapter, or any person who wishes to seek a variance from the regulations contained herein, may do so by following remedy procedures outlined in §§ 157.035 through 157.048. Such reasons for requesting a variance may include, but are not limited to:

- (1) Expansion of a nonconforming use;
- (2) New use of a previously-abandoned nonconforming sign; and
- (3) Sign design, placement, and use outside of the regulations of this subchapter.

#### **§ 157.757 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FLAG.** Any piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol of a recognized federal, state, or local governmental entity. Signs which are

non-governmental in nature but similar in size and purpose to a governmental FLAG shall be regulated as a WIND SIGN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OFF-SITE ADVERTISING SIGN.** The same as the term BILLBOARD, as defined in this section.

**ON-SITE ADVERTISING SIGN.** A sign of any kind or nature whatsoever which directs attention to any business, industry, entertainment, occupancy, activity, goods, or other tangible items, to services, or other intangibles, or to other activity conducted, produced, sold, offered, rendered, or available upon the premises where the sign is located, as distinguished from an off-site advertising sign. A political or other noncommercial message may be substituted for the advertising copy of any ON-SITE ADVERTISING SIGN allowed under this chapter.

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

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

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

**PLANNED COMMERCIAL CENTERS.** Small regional centers consisting of individual large and small-scale commercial uses selling a broad range of goods or services to a market beyond the local community. It must contain at least ten acres of commercial land and 100,000 square feet of commercial floor space.

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

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; sandwich board

signs; balloons used as signs; umbrellas used for advertising; and signs attached to, or painted upon, vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day transportation operations of the business, and is not parked away from the business primarily to gain visibility from a public right-of-way.

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

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

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

**READERBOARD.** See MARQUEE SIGN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 157.758 PROHIBITED SIGNS.**

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

- (A) Hot or cold air balloons, or inflatables, except when such fall under the definition of temporary sign;
- (B) Any sign which flashes, blinks, uses chaser lights or is animated. Commercial electronic message signs may be permitted, so long as the messages are composed of static images;
- (C) Projecting signs;
- (D) Roof signs;
- (E) Snipe signs;
- (F) Any truck, trailer, or other vehicle conspicuously parked in the public right-of-way for more than 72 consecutive hours with an advertising message displayed on the vehicle designed to attract attention to a business, product, or promotion;
- (G) Graffiti;
- (H) Spotlights directed into the night sky, except as part of an approved promotional period for temporary signs;
- (I) Any off-premises signs, except as may be necessary to provide directions to a residential subdivision or planned unit development; and
- (J) Any handbill or sign which is affixed, painted, marked, or written on any part or portion of the public right-of-way, including sidewalks, crosswalks, curbs, park strips, light poles, lamp posts, hydrants, trees, shrubs, power poles, or any other structures. This does not apply to the painting of house numbers on curbs.

## § 157.759 PERMITTED SIGNS.

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

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

Sign Type	Permit Req.	Max. Height (ft.)	Max. Area (sf)	Permitted Zones	Lighting Permitted
Awning	Y	(See below) D	(See below) D	C-1, C-3, C-3, M-1, M-2	N
Banner	N	6	96	All	N
Billboard	Y	(See below) F	675	(See below) F	Y
Canopy	Y	20 (See below) G	(See below) G	C-1, C-2, C-3, M-1, M-2	Y
Community	N	8	32	All	N
Directional	N	8	32	All	N
Flag	N	N/A	(See below) K	All	Y
Freestanding/Pole	Y	(See below) J	(See below) J	(See below) J	Y
Institutional	Y	6	32	All	N
Monument	Y	(See below) L	(See below) L	C-1, C-2, C-3, M-1 M-2	Y
Nameplate	N	2	2	All	N
Notice	N	6	32	All	N
Political	N	6	32	All	N
Public necessity	N	4	4	All	N
Real estate	N	(See below) N	(See below) N	All	N
Suspended	N	2	3	All	N
Temporary	N	(See below) P	(See below) P	All	N
Wall	Y	Top of building wall	15% of wall surface (max 60 sq. ft.)	C-1, C-2, C-3, M-1, M-2	Y
Warning	N	4	16	All	N
Wind	N	8	16	C-1, C-2, C-3, M-1, M-2	N
Window	Y	(See below) R	(See below) R	All	N

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

- (1) All signs erected in the city shall comply with all building, electrical, fire, and other such relevant codes as may be in effect at the time the permit is issued.
- (2) All signs are required to maintain appropriate vertical and horizontal clearances as may be required by any public utility company.
- (3) No building permits will be issued for signs that involve electrical wiring or connections unless designed/built by a licensed electrical contractor, nor shall any building permit be issued

for a sign unless the required drawings are prepared by, and stamped by, a licensed structural engineer.

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

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

- a. No lighting shall be permitted which penetrates beyond the property in a manner which constitutes a nuisance.
- b. Signs may be unlit, externally lit, internally lit or backlit. Additionally, any lighting must be directed so only the face of the sign is illuminated
- c. Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the lighting is diffused. Transparent or clear materials are not allowed.
- d. Backlit signs may not have a visible light source. They shall only allow indirect illumination to emanate from the sign.
- e. Externally illuminated signs must be aimed and shielded so that the light is directed only onto the sign face.
- f. Regardless of the source or type of illumination, the aggregate output of the lighting shall not exceed 500 lumens or 150 nits per square foot of sign area
- g. All lit signs shall be equipped with a device that reduces the output by 50% outside of the business' operating hours.

(6) No sign over 36 inches in height shall be placed within the public right-of-way.

(7) No sign shall be placed on public property, unless the sign is related to a specific event sponsored by the city and unless the sign complies in all other respects to this subchapter.

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

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

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

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

(12) Changeable copy and/or electronic message portions of the sign may not exceed 50% of the area of any one face of the sign.

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

(14) With the exception of billboard signs, off-premise advertising is strictly prohibited.

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

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

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

(4) Awning signs shall not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) Regulations for community signs are as follows:

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

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

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

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

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

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

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

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

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

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

- a) 4000 South, east of the canal located at approximately 3200 West
- b) Commercial and manufacturing zoned properties located within 250' of the edge of the right of way of the following properties:
  - a. Wilson Lane
  - b. 2100 South
  - c. 1900 West
  - d. Midland Drive
- c) Pole signs are prohibited in areas not listed above.

- (2) Pole signs shall have a minimum clearance of ten (10) feet to the bottom of the lowest cabinet face.
- (3) Pole signs shall be set back from any adjoining property line one foot (1') for each foot of the sign's height, including any supporting structures.
- (4) All support structures must be covered or concealed with pole/pylon covers which are designed to match the architectural style of the sign and the commercial buildings it advertises.
- (5) ~~Freestanding/pole signs shall include, in letters large enough to be read by passing pedestrian and vehicle traffic, the numeric street address of the property it advertises.~~
- (6) Freestanding signs shall be incorporated into a landscaped design or planter box.
- (7) No sign may be higher than 25 feet high, as measured from the crown of the road to the highest point of the sign.
- (8) No freestanding/pole sign shall exceed eighty (80') square feet
- (9) No sign may extend over a pedestrian or vehicular access area.
- (10) When more than one freestanding/pole sign is permitted, they shall be placed a minimum of 300' apart.
- (11) On-premises signs located within 1,000 feet of I-15 may increase their height so that the sign is visible not more than 25 feet above the nearest lane, overpass, sound wall, or other view obstruction, whichever is highest.
- (12) Two or more owners of separate, contiguous parcels of real property may elect to combine the street or highway frontage of their respective contiguous properties. If such properties are so combined, only one freestanding sign may be constructed or erected in accordance with the provisions of this subchapter.

	<i>Property Frontage (linear feet)</i>	<i>Max. # of Signs</i>
Freestanding/Pole Sign	0-99	1
	100-299	1
	300-599	1
	600+	2
Planned commercial center	0-399	1
	400-599	1
	600-1200	2
	1200+	3

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

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

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

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

<i>Property Frontage (linear feet)</i>	<i>Max. Area per Sign Face (sq. ft.)</i>	<i>Max. Height (ft.)</i>	<i>Max. # of Signs</i>
0-99	25	6	1
100-299	50	8	1
300-599	64	8	1
600-1200	80	8	2
1200+	80	8	3

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

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

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

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

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

(8) Monument signs shall be setback a minimum of five (5) feet from any right-of-way line.

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

(2) For general elections, no political sign may be placed, or erected, prior to October 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Wall signs shall be limited to a single wall of the freestanding building. Any side with exposure may be used.

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

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

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

#### **§ 157.760 APPLICATION PROCESS.**

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

(1) A plot plan showing the relationship of any and all proposed signs to buildings, property lines, setbacks, intersections, easements, and driveway accesses on the property, as well as properties located within 300 feet of the property at issue;

(2) A scaled drawing showing, where applicable, the color, dimensions, proposed landscaping, sign materials, type of illumination, and street-view of the sign(s);

(3) Details of sign construction, including any electrical plan and foundation scheme;

(4) Proof of a current city business license;

(5) The name, address, and contact information for the business owner, business operator, and property owner;

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

(7) Value of the sign.

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

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

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

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

**§ 157.761 VIOLATIONS.**

Any violation of this subchapter shall be enforced by the Community Development Department. All such violation notices, remedies and procedures for noncompliance shall follow the City Zoning Code violation ordinance.

**DRAFT**

## **SIGN REGULATIONS**

### **§ 157.755 PURPOSE AND INTENT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Temporary signs shall be given 72 hours to take the corrective steps; and
- (b) Permanent signs shall be given 30 days to take the corrective steps.

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

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

(H) Any person who wishes to appeal any decision or notice of action undertaken pursuant to this subchapter, or any person who wishes to seek a variance from the regulations contained herein, may do so by following remedy procedures outlined in §§ 157.035 through 157.048. Such reasons for requesting a variance may include, but are not limited to:

- (1) Expansion of a nonconforming use;
- (2) New use of a previously-abandoned nonconforming sign; and
- (3) Sign design, placement, and use outside of the regulations of this subchapter.

#### **§ 157.757 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FLAG.** Any piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol of a recognized federal, state, or local governmental entity. Signs which are

non-governmental in nature but similar in size and purpose to a governmental FLAG shall be regulated as a WIND SIGN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OFF-SITE ADVERTISING SIGN. The same as the term BILLBOARD, as defined in this section.

ON-SITE ADVERTISING SIGN. A sign of any kind or nature whatsoever which directs attention to any business, industry, entertainment, occupancy, activity, goods, or other tangible items, to services, or other intangibles, or to other activity conducted, produced, sold, offered, rendered, or available upon the premises where the sign is located, as distinguished from an off-site advertising sign. A political or other noncommercial message may be substituted for the advertising copy of any ON-SITE ADVERTISING SIGN allowed under this chapter.

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

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

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

PLANNED COMMERCIAL CENTERS. Small regional centers consisting of individual large and small-scale commercial uses selling a broad range of goods or services to a market beyond the local community. It must contain at least ten acres of commercial land and 100,000 square feet of commercial floor space.

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

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; sandwich board

signs; balloons used as signs; umbrellas used for advertising; and signs attached to, or painted upon, vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day transportation operations of the business, and is not parked away from the business primarily to gain visibility from a public right-of-way.

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

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

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

READERBOARD. See MARQUEE (~~CHANGEABLE COPY~~) SIGN.

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

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

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

SIGN AREA. See AREA OF SIGN.

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

SIGN HEIGHT. See HEIGHT OF SIGN.

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

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

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

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

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

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

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

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

#### **§ 157.758 PROHIBITED SIGNS.**

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

- (A) Hot or cold air balloons, or inflatables, except when such fall under the definition of temporary sign;
- (B) Any sign which flashes, blinks, uses chaser lights or is animated. Commercial electronic message signs may be permitted, so long as the messages are composed of static images;
- (C) Projecting signs;
- (D) Roof signs;
- (E) Snipe signs;
- (F) Any truck, trailer, or other vehicle conspicuously parked in the public right-of-way for more than 72 consecutive hours with an advertising message displayed on the vehicle designed to attract attention to a business, product, or promotion;
- (G) Graffiti;
- (H) Spotlights directed into the night sky, except as part of an approved promotional period for temporary signs;
- (I) Any off-premises signs, except as may be necessary to provide directions to a residential subdivision or planned unit development; and
- (J) Any handbill or sign which is affixed, painted, marked, or written on any part or portion of the public right-of-way, including sidewalks, crosswalks, curbs, park strips, light poles, lamp posts, hydrants, trees, shrubs, power poles, or any other structures. This does not apply to the painting of house numbers on curbs.

**§ 157.759 PERMITTED SIGNS.**

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

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

Sign Type	Permit Req.	Max. Height (ft.)	Max. Area (sf)	Permitted Zones	Lighting Permitted
Awning	Y	(See below) D	(See below) D	C-1, C-3, C-3, M-1, M-2	N
Banner	N	6	96	All	N
Billboard	Y	(See below) F	675	(See below) F	Y
Canopy	Y	20 (See below) G	(See below) G	C-1, C-2, C-3, M-1, M-2	Y
Community	N	8	32	All	N
Directional	N	8	32	All	N
Flag	N	N/A	(See below) K	All	Y
Freestanding/Pole	Y	(See below) J	(See below) J	<del>C-1, C-2, C-3, M-1 M-2</del> <u>(See below) J</u>	Y
Institutional	Y	6	32	All	N
Monument	Y	<del>6</del> (See below) L	<del>32</del> (See below) L	C-1, C-2, C-3, M-1 M-2	Y
Nameplate	N	2	2	All	N
Notice	N	6	32	All	N
Political	N	6	32	All	N
Public necessity	N	4	4	All	N
Real estate	N	(See below) N	(See below) N	All	N
Suspended	N	2	3	All	N
Temporary	N	(See below) P	(See below) P	All	N
Wall	Y	Top of building wall	15% of wall surface (max 60 sq. ft.)	C-1, C-2, C-3, M-1, M-2	Y
Warning	N	4	16	All	N
Wind	N	8	16	C-1, C-2, C-3, M-1, M-2	N
Window	Y	(See below) R	(See below) R	All	N

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

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

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

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

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

(5) Any sign, regardless of type, which ~~is illuminated has lighting~~, shall be ~~required~~subject to ~~comply with the city lighting ordinance following standards:~~

- a. No lighting shall be permitted which penetrates beyond the property in a manner which constitutes a nuisance.
- b. Signs may be unlit, externally lit, internally lit or backlit. Additionally, any lighting must be directed so only the face of the sign is illuminated
- c. Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the lighting is diffused. Transparent or clear materials are not allowed.
- d. Backlit signs may not have a visible light source. They shall only allow indirect illumination to emanate from the sign.
- e. Externally illuminated signs must be aimed and shielded so that the light is directed only onto the sign face.
- f. Regardless of the source or type of illumination, the aggregate output of the lighting shall not exceed 500 lumens or 150 nits per square foot of sign area
- g. All lit signs shall be equipped with a device that reduces the output by 50% outside of the business' operating hours.

(6) No sign over 36 inches in height shall be placed within the public right-of-way.

(7) No sign shall be placed on public property, unless the sign is related to a specific event sponsored by the city and unless the sign complies in all other respects to this subchapter.

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

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

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

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

(12) Changeable copy and/or electronic message portions of the sign may not exceed 50% of the area of any one face of the sign.

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

(14) With the exception of billboard signs, off-premise advertising is strictly prohibited.

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

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

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

(4) Awning signs shall not:

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

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

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

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

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

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

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

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

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

(b) Billboards may be located within the 75-foot buffer of an on-premises sign when set back from the front property line 20 feet or more, measured to the closest edge of the

billboard. In no case shall a billboard be located within the 75-foot buffer of an on-premises sign and be closer to the front property line than the on-premises sign.

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

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

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

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

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

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

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

(H) Regulations for community signs are as follows:

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

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

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

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

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

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

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

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

(2) Directional signs shall be removed either two years from the time the first building permit in the subdivision is issued, or upon the sale of the final lot in the subdivision, whichever

comes first. An extension may be granted by the Community Development Director, or his or her designee, if it can be shown that a substantial number of the lots are not ready for development or have not sold.

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

- a) 4000 South, east of the canal located at approximately 3200 West
- b) Commercial and manufacturing zones (see table below). One sign per 300 feet of street frontage is allowed. zoned properties located within 250' of the edge of the right of way of the following properties:
  - a. Wilson Lane
  - b. 2100 South
  - c. 1900 West
  - d. Midland Drive
- c) Pole signs are prohibited in areas not listed above.

(2) Pole signs shall have a minimum clearance of ten (10) feet to the bottom of the lowest cabinet face.

(3) The minimum setback for a pole sign is five (5) feet from any public right-of-way and a minimum of ten (10) feet from any residential zone. Pole signs shall be set back from any adjoining property line one foot (1') for each foot of the sign's height, including any supporting structures.

(4) All freestanding signs support structures must have the structural supports be covered or concealed with pole covers (pylon covers) a minimum of one fifth and a maximum of one third of the sign cabinet and the covers must be architecturally and aesthetically which are designed to match the architectural style of the sign and the commercial buildings it advertises.

Projection of Freestanding/pole signs is permitted into the setback area to a maximum of three feet.

	<u>Property Frontage (linear feet)</u>	<u>Max. Area per Sign Face (sq. ft.)</u>	<u>Max. Height (ft.)</u>	<u>Max. # of Signs</u>
<u>Freestanding/Pole Sign</u>	<u>0-99</u>	<u>25</u>	<u>6</u>	<u>1</u>
	<u>100-299</u>	<u>55, or 0.33 per linear foot of frontage, whichever is less</u>	<u>8</u>	<u>1</u>
	<u>300-599</u>	<u>65, or 0.33 per linear foot of frontage, whichever is less</u>	<u>8</u>	<u>1</u>
	<u>600+</u>	<u>65, or 0.33 per linear foot of frontage, whichever is less</u>	<u>8</u>	<u>2</u>

Planned commercial center	0-399	120, or 0.5 per linear foot of frontage, whichever is less	20	1
	400-599	220, or 0.5 per linear foot of frontage, whichever is less	25	1
	600+	220, or 0.5 per linear foot of frontage, whichever is less	25	2

- (5) — (2) Freestanding signs shall include, in letters large enough to be read by passing pedestrian and vehicle traffic, the numeric street address of the property upon which it is located. The numbers shall be between nine inches and 15 inches in height. it advertises.
- (6) — (3) Freestanding signs shall be incorporated into a landscaped design or planter box.
- (7) — (4) No sign may be higher than 25 feet high, as measured from the crown of the road to the highest point of the sign.
- (8) — (5) No freestanding/pole sign shall exceed eighty (80') square feet
- (9) No sign may extend over a pedestrian or vehicular access area.
- (6) Signs shall be set back from any adjacent property line one foot for each foot of sign height, including any base or supporting structure.
- (7) Structural supports shall be concealed with pole covers at least 36 inches wide.
- (10) — (8) When more than one freestanding/pole sign is permitted, they shall be placed a minimum of 300' apart.
- (11) On-premises signs located within 1,000 feet of I-15 may increase their height so that the sign is visible not more than 25 feet above the nearest lane, overpass, sound wall, or other view obstruction, whichever is highest.
- (12) — (9) Two or more owners of separate, contiguous parcels of real property may elect to combine the street or highway frontage of their respective contiguous properties. If such properties are so combined, only one freestanding sign may be constructed or erected in accordance with the provisions of this subchapter, and an agreement, as approved by the city, shall be recorded with the County Recorder, agreeing to hold the properties together for the purpose of signage.

	<u>Property Frontage (linear feet)</u>	<u>Max. # of Signs</u>
<u>Freestanding/Pole Sign</u>	<u>0-99</u>	<u>1</u>
	<u>100-299</u>	<u>1</u>
	<u>300-599</u>	<u>1</u>
	<u>600+</u>	<u>2</u>

<u>Planned commercial center</u>	<u>0-399</u>	<u>1</u>
	<u>400-599</u>	<u>1</u>
	<u>600-1200</u>	<u>2</u>
	<u>1200+</u>	<u>3</u>

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

- (1) All such signs/decorations shall be entirely confined to the property on which they are originally erected.
- (2) No sign or decoration shall be placed in a manner to cause confusion with authorized traffic lights and signals.

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

<i>Property Frontage (linear feet)</i>	<i>Max. Area per Sign Face (sq. ft.)</i>	<i>Max. Height (ft.)</i>	<i>Max. # of Signs</i>
0-99	25	6	1
100-299	<del>55, or 0.33 per linear foot of frontage, whichever is less 50</del>	8	1
300-599	<del>65, or 0.33 per linear foot of frontage, whichever is less 64</del>	8	1
<del>600+</del> <u>1200</u>	<del>65, or 0.33 per linear foot of frontage, whichever is less 80</del>	8	2
<u>1200+</u>	<u>80</u>	<u>8</u>	<u>3</u>

~~(2) Properties in excess of 1,200 linear feet of frontage may be permitted an additional sign for each additional 600 feet of linear frontage (for example, 1,201 - 1,799 = 3 signs).~~

- (3) Parcels with two or more street frontages are permitted one sign per frontage; provided that such signs can be placed a minimum of 100 feet from each other, measured diagonally across the property.
- (4) When more than one monument sign is permitted, they shall be placed a minimum of 300 feet apart.
- (5) Monument signs shall be incorporated into a landscaped design or planter box.
- (6) Signs shall be set back from any adjacent property line one foot for each foot of sign height, including any base or supporting structure.

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

(8) Monument signs shall be setback a minimum of five (5) feet from any right-of-way line.

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

(2) For general elections, no political sign may be placed, or erected, prior to October 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Wall signs shall be limited to a single wall of the freestanding building. Any side with exposure may be used.

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

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

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

#### **§ 157.760 APPLICATION PROCESS.**

(A) ~~Signs for any sign which require a building permit shall first obtain a sign permit. Applications for a sign permit shall include, the following: information shall be submitted as part of the application:~~

(1) A plot plan showing the relationship of any and all proposed signs to buildings, property lines, setbacks, intersections, easements, and driveway accesses on the property, as well as properties located within 300 feet of the property at issue;

(2) A scaled drawing showing, where applicable, the color, dimensions, proposed landscaping, sign materials, type of illumination, and street-view of the sign(s);

(3) Details of sign construction, including any electrical plan and foundation scheme;

(4) Proof of a current city business license;

(5) The name, address, and contact information for the business owner, business operator, and property owner;

- (6) Contact information for any contractors used on the project; and
- (7) Value of the sign.

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

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

~~(D) Issuance of a sign permit does not exempt an applicant from any requirements or conditions of a building permit. The applicant shall be required to apply for, and obtain, a building permit after issuance of the sign permit.~~

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

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

#### **§ 157.761 VIOLATIONS.**

Any violation of this subchapter shall be enforced by the Community Development Department. All such violation notices, remedies and procedures for noncompliance shall follow the City Zoning Code violation ordinance.

**ORDINANCE NO. 13-2023**

**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE STANDARDS MIXED  
USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE; AND  
PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**

**Section 1 – Recitals**

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

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by the laws of the State of Utah or any other provision of law; and,

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

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code in regards to amending the language for §157.310-315 should be made; and

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

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

- a. **§ 157.310 through and including §157.315 - “Mixed Use/Medium/Low Density Residential, Commercial Zone” is amended as found in the attached Exhibit A.**

The forgoing Recitals are fully incorporated herein.

**Section 2 – Prior Ordinances and Resolutions**

That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**Section 3 – Repeater of Conflicting Enactments**

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

**Section 4 – Savings Clause**

If any provision of this Ordinance be held or deemed invalid, inoperative or unenforceable, such will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

**Section 5 – Date of Effect**

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 7<sup>th</sup> day of June, 2023

WEST HAVEN CITY

Rob Vanderwood  
Mayor

ATTEST:

Emily Green, City Recorder

**DRAFT**

## MIXED-USE ZONE

### **§ 157.310 PURPOSE; DEFINITION.**

- A. The Mixed-Use Zone is characterized as a pedestrian-friendly Zone made up of developments which are required to contain two or more of the following elements: commercial, residential, open space, recreational, cultural, and institutional uses.
- B. Developers shall choose from the following options in order to qualify for the above-listed elements:
  1. Open Space
    - i. Land set-aside from development for the conservation of natural resources shall exclude the presence of weeds and be well-maintained.
    - ii. The open space area shall only serve passive recreational purposes such as walking and jogging and must be open to the public. Open space may include the following:
      1. Plazas
      2. Courtyards
      3. Trails
      4. Parks
    - iii. Common area maintained by an HOA or any retention pond area shall not fulfill the open space requirement, unless such retention pond serves at least one additional public purpose such as a recreation field or a park.
    - iv. If the city's park department accepts the open space area for the development of a park, a minimum size will be set by said department.
  2. Residential
    - i. A mix of at least two different housing types: single-family detached, single-family attached (townhomes, twin homes), multi-family (apartments)
    - ii. Residential uses where there is a combination of commercial and residential uses, sometimes called "live-work units"
    - iii. Clustering of residential units
  3. Recreational
    - i. Publicly accessible recreational amenities, such as:
      1. Multi-use sports fields
      2. Pickleball courts
      3. Tennis courts
      4. Playgrounds
      5. Non-motorized trails (not including sidewalks)
      6. Any publicly accessible amenities must provide signage that they are open for the use of the general public.

4. Cultural/Institutional
  - i. Community center
  - ii. Arts facility
  - iii. Library
  - iv. Other publicly accessible cultural/institutional amenity, subject to review and approval of the Planning Commission
5. Commercial
  - i. Areas of required commercial overlay, or developers who may choose to develop a portion of their project as commercial, shall follow the requirements contained in subsection 157.315 of this section.

#### **§ 157.311 DENSITY; DISTRICTS.**

- A. The boundaries and densities of mixed-use districts shall be found on the official maps of the City. Mixed-Use Districts shall have varying densities, based on locations, which densities, together with the boundaries of each district, are defined and outlined as follows:
  1. Low Density is zero to 4.9 dwelling units per project acre
    - i. Not permitted as a mixed-use project
  2. Medium-Low Density is five to 8.9 dwelling units per project acre;
    - i. All mixed-use projects in West Haven City not otherwise classified herein.
  3. Medium-High Density is nine to 14.9 dwelling units per project acre; and
    - i. Those areas South of the centerline of 2100 South and East of Interstate 15, to the West Haven City boundary.
    - ii. Those areas both North and South of the centerline of 2100 South and West of Interstate 15 and East of 1900 West, to the West Haven City boundaries.
  4. High Density is 15 to 30 dwelling units per project acre.
    - i. Those areas North of the centerline of 2100 South and East of Interstate 15, to the West Haven City boundary

#### **§ 157.312 MIXED-USE REZONE.**

- A. A concept plan shall be attached to any application for Mixed-Use Zoning in accordance with this chapter and the requirements of §§ 157.705 through 157.715 and 157.730 through 157.737.
- B. All applications for rezoning to Mixed-Use shall be processed in accordance with §157.706-157.715

- C. Once a rezoning application to the Mixed-Use Zone development has been granted, improvements to the real property must begin within 365 days or the property may revert to its original zoning at the option of the city with 60 days' notice.
  - 1. Two 90-day extensions may be granted by the Planning Commission at the request of the developer.

#### **§157.313 MIXED-USE DEVELOPMENT AGREEMENT**

- A. West Haven code §157.730 – 157.737 outlines design criteria for multi-family projects. Mixed Use projects involving multi-family dwellings shall be subject to the provisions of those sections.
- B. Specific setbacks and other zoning or design criteria, landscaping, vehicular and pedestrian circulation patterns, building aesthetics and payback agreements (as applicable) not otherwise regulated in the above-referenced code section(s) shall be established in a development agreement, the approval of which shall be determined by the City Council upon recommendation of the Planning Commission.

#### **§157.314 SITE DEVELOPMENT STANDARDS**

- A. Residential single-family homes and townhomes within 300 feet of Commercial, Manufacturing, or Industrial Zones shall submit a study prepared by a licensed sound engineer which determines the impact of those existing uses on the proposed housing and what mitigation measures are necessary to ensure future homeowners from such impacts.
- B. Mixed-Use developments in which single-family detached lots are adjacent to four or more homes in the A-1, R-1, and R-2 Zones shall be required to provide buffering, as outlined below.
  - 1. Lots adjacent to existing A-1 and R-1 zones shall be 16,000 square feet or larger;
  - 2. Lots adjacent to existing R-2 zones shall be 8,000 square feet or larger;
- C. Regardless of any agreements outlined in the development agreement, all single-family homes, townhomes, or anything that has a driveway to a garage shall have a minimum setback of 20' from the property line, sidewalk or common space to the door of the garage.
- D. Where applicable, developments which contain a variety of housing types shall place the most dense portion of the project adjacent to Commercial, Industrial, or Manufacturing Zones, or major roadways (I-15, 2100 South, Wilson Ln, 1900 West) .

- E. Lot size buffering shall not be required if open space is placed between the existing home lots and the new Mixed-Use Zone lots, and the size of the open space is greater than, or equal to, twice the minimum lot sizes listed above.
- F. If a natural buffer exists which separates the existing home lots from the new lots in the proposed Mixed-Use Zone development, the area of this buffer shall be included in the calculation of the minimum lot sizes listed above. Natural buffers include: canals, public trails or walkways, government-owned land, utility-owned land, and the like;

#### **§ 157.315 COMMERCIAL OVERLAY AND COMMERCIAL USES IN MIXED-USE.**

- A. Mixed-Use Commercial Overlay areas are designed to encourage the establishment and retention of a variety of retail, entertainment, and personal service establishments to meet the needs of the community's residents, workers, and visitors. The following regulations are applicable only to Mixed-Use projects and not to projects in other zones which may fall within the boundaries outlined.
- B. The following areas are designated as Commercial Overlay areas and are subject to the provisions of this section:
  - 1. East of Interstate 15
    - a. North of 2100 South
      - i. 300 feet North from the edge of the right of way of 2100 South
      - ii. 300 feet East or West from the edge of the right of way of 1100 West
    - b. South of 2100 South
      - i. The entirety of the area South of 2100 South, to the West Haven City municipal borders.
  - 2. The edge of the right of way is defined as that portion of the right of way closest to the property under consideration for development.
  - 3. Should the boundaries of the Commercial Overlay cover only a portion of any given parcel, that parcel shall still provide the required commercial, but it may be located on any portion of the parcel.
- C. A minimum of 20% of the gross project size for developments subject to the commercial overlay shall be dedicated to commercial development.
- D. All businesses permitted or conditional businesses in C-1 and C-2 zones may be included in Mixed-Use Zones with similar use designations (conditional or permitted), subject to the following stipulations:
  - 1. At least 50% of the required commercial space shall be dedicated to commercial uses which generate sales tax revenue.

- E. All uses within a commercial overlay area are subject to the architectural, landscaping and other standards outlined in West Haven code §157.730 – 157.737 “Design Review.”

**§ 157.316 REGULATIONS FOR TEMPORARY STORAGE UNITS, CONTAINERS, AND STRUCTURES.**

(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. 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 days for the outgoing resident and an additional 14 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 days if placed in the driveway of a residence and up to six months if placed behind a home, solid fence, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road. A valid current building permit is required. Permanent use of these temporary storage units, containers, or structures shall not be allowed in any Residential Zone on lots of less than one acre. One storage unit is allowed per acre but the maximum number 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, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road.

(D) 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, his or her property. By submitting an application to the city for a permanent or temporary storage unit, container, or structure, the applicant is certifying that he or she has full knowledge and understanding of those private covenants, conditions, or restrictions that run with his or her property and have a full understanding of whether those items prohibit the use of temporary or permanent storage units, containers, or structures.

(E) 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 on-site for up to 30 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 the Planning Commission.

(F) 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 the Planning Commission.

(G) All tractor trailers on an agricultural, residential, or commercial parcel shall be licensed and registered with the state and must be actively used. Trailers not involved in a construction project that remain in a fixed location over 30 days shall be subject to fines, impoundment, and removal by the city.

#### **§ 157.315 ENFORCEMENT AND FINES.**

Upon a determination that a violation exists, the Code Enforcement Officer, or his or her designee, may declare such violation a nuisance and follow remediation procedure as outlined in the West Haven Zoning Code 90.01-90.05. He or she 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 his or her designee, may determine.

**MIXED-USE/MEDIUM/LOW DENSITY RESIDENTIAL, COMMERCIAL ZONE**

**§ 157.310 PURPOSE; DEFINITION.**

A. (A) (1) The Mixed-Use Zone is characterized as a pedestrian-friendly Zone made up of developments which are required to contain two or more of the following elements: commercial, residential, open space, recreational, cultural, and institutional uses.

— (2) To wit,

B. Developers shall choose from the Zone following options in order to qualify for the above-listed elements:

1. Open Space

- i. Land set-aside from development for the conservation of natural resources shall exclude the presence of weeds and be well-maintained.
- ii. The open space area shall only serve passive recreational purposes such as walking and jogging and must be open to the public. Open space may include the following:

- (a) Areas of mandatory commercial overlays as designated on the general plan map;
- (b) Developments with combined commercial and residential uses, such as a corner store with house attached, a main floor home business with a residence above it, or first floor commercial suites with residences above, and the like;
- (c) Walkable commercial opportunities within the district which allow residents to walk to, rather than drive to, those businesses;

1. — (d) Higher density multiple family residential buffers between Commercial Plazas
2. Courtyards
3. Trails
4. Parks

- iii. Common area maintained by an HOA or any retention pond area shall not fulfill the open space requirement, unless such retention pond serves at least one additional public purpose such as a recreation field or a park.
- iv. If the city's park department accepts the open space area for the development of a park, a minimum size will be set by said department.

Residential, Industrial, or Manufacturing Zones and lower density residential areas as appropriate;

2. — (e)

- i. A mix of at least two different housing types and densities, including: single-family homes, detached, single-family attached (townhomes, twin homes), multi-family (apartments, and affordable housing)

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- ii. Residential uses where there is a combination of commercial and residential uses, sometimes called “live-work units;”
- (f) The preservation of open space through the use of clustering in residential and non-residential developments;
- iii. — (g) Neighborhood and regional parks, and other Clustering of residential units
- 3. Recreational
  - i. Publicly accessible recreational features (amenities, such as:
    - 1. Multi-use sports fields
    - 2. Pickleball courts
    - 3. Tennis courts
    - 4. Playgrounds
    - 5. Non-motorized trails excluded);(not including sidewalks)
    - 6. — (h) Any publicly accessible amenities must provide signage that they are open for the use of the general public.
- 4. Cultural/Institutional
  - i. Community center
  - ii. Arts facility
  - iii. Library
  - iv. Other publicly accessible cultural facilities, such as community centers/institutional amenity, subject to review and facilities for approval of the arts; and Planning Commission
- Commercial — (i) Institutional uses such as libraries, educational institutions, religious facilities, or public buildings.
- 5. — (3) Mixed Use developments of less than two acres are Areas of required to have only one of the required components. If a mandatory commercial overlay exists in the district in which the development is located, it shall continue to be required. — (4) , or developers who Trails alone may not be used as choose to develop a required element in the recreational category.  
(Prior Code, § 23.02)
  - i. — (B) (1) RESIDENTIAL AFFORDABLE HOUSING portion of their project as commercial, shall mean housing (either owned or rented), the cost of which is projected in good faith at the time of application to consume no more than 30% follow the requirements contained in subsection 157.315 of the monthly income of those residents with incomes less than, or equal to, 80% of the annual mean income (AMI) for the city as published by the United States Census Bureau this section.
  - (2) For the purposes of density calculations in the Mixed Use Zone, an acre is defined as 43,560 square feet of raw ground.

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- (3) (a) A Mixed Use District is a contiguous area of land which is designated to be zoned as Mixed Use on the general plan map.
- (b) Districts may include property under the ownership of multiple entities.
- (c) District boundaries shall be shown on the general plan map.

(Prior Code, § 23.04)

(Ord. 2-92, passed 1992; Ord. 02-2019, passed 1-16-2019)

### **§ 157.311 DENSITY; DISTRICTS.**

A. (A) The boundaries and densities of mixed-use districts shall be found on the official maps of the City. Mixed-Use Districts shall have varying densities, based on locations, which densities, together with the boundaries of each district, are defined and outlined as follows:

Residential Density Zones shall be defined as follows:

1. (1) Low Density is zero to 4.9 dwelling units per project acre;
  - i. (2) Not permitted as a mixed-use project
2. Medium-Low Density is five to 8.9 dwelling units per project acre;
  - i. (3) All mixed-use projects in West Haven City not otherwise classified herein.
3. Medium-High Density is nine to 14.9 dwelling units per project acre; and
  - i. (4) Those areas South of the centerline of 2100 South and East of Interstate 15, to the West Haven City boundary.
  - ii. Those areas both North and South of the centerline of 2100 South and West of Interstate 15 and East of 1900 West, to the West Haven City boundaries.
4. High Density is 15 to 30 dwelling units per project acre.

(B) The Planning Commission shall designate the boundaries of each Mixed Use District and shall delineate said boundaries on the general plan map.

(C) The density of each Mixed Use District shall be determined by the Planning Commission, and delineated on the general plan map.

(D) Mandatory Commercial overlays will be identified on the General Plan Map.

(E) The Planning Commission may take into account the overall density of the surrounding area as well as that of the encompassing Mixed Use District as a whole when considering a development project density, but shall not be required to grant a similar density to the development under consideration.

(Prior Code, § 23.06) (Ord. 2-92, passed 1992; Ord. 02-2019, passed 1-16-2019)

- i. Those areas North of the centerline of 2100 South and East of Interstate 15, to the West Haven City boundary

### **§ 157.312 ADDITIONAL REQUIREMENTS MIXED-USE REZONE.**

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- A. ~~(A)~~ A concept plan shall be attached to any application for Mixed-Use Zoning in accordance with this chapter and the requirements of §§ 157.705 through 157.715 and 157.730 through 157.737.
- ~~(B) Uses permitted~~
- B. ~~All applications for rezoning to Mixed-Use shall be processed in accordance with §157.706-157.715~~
- C. ~~Once a rezoning application to the Mixed-Use Zone development shall reflect the character, scale, and needs has been granted, improvements to the real property must begin within 365 days or the property may revert to its original zoning at the option of the particular area as determined city with 60 days' notice.~~
- ~~Two 90-day extensions may be granted by the Planning Commission, in consultation with area residents via one or more public hearings at the request of the developer.~~
- ~~(C) Once the Planning Commission has held the required public hearing and recommended to City Council a residential density for a proposed Mixed Use Zone development, the project may not be approved with a density exceeding 110% of the recommended density unless an additional public hearing is held by the Planning Commission to receive input on the proposed increase. After the Planning Commission has held the additional public hearing on the increased density and voted on a recommendation, the City Council shall review the public input and make a final determination. Density for a proposed Mixed Use Zone development may be decreased from the Planning Commission recommendation without holding an additional public hearing.~~
- ~~(D)~~

### **§157.313 MIXED-USE DEVELOPMENT AGREEMENT**

- A. ~~West Haven code §157.730 – 157.737 outlines design criteria for multi-family projects. Mixed Use projects involving multi-family dwellings shall be subject to the provisions of those sections.~~
- B. ~~Specific setbacks and other zoning or design criteria, landscaping, vehicular and pedestrian circulation patterns, building aesthetics and payback agreements (as applicable) for each development not otherwise regulated in the above-referenced code section(s) shall be established in a development agreement, the approval of which shall be determined by the City Council upon recommendation of the Planning Commission.~~
- ~~(E)~~

### **§157.314 SITE DEVELOPMENT STANDARDS**

- A. ~~Residential single-family homes and townhomes within 300 feet of Commercial, Manufacturing, or Industrial Zones shall be required to have submit a study prepared by a licensed sound engineer determine which determines the method impact of those existing uses on the proposed housing and materials of construction to protect what mitigation measures are necessary to ensure future homeowners from noise. The developer shall~~

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ensure that buyers of lots and contractors are made aware of, and agree to abide by, this requirement.such impacts.

(F) (1) Lot size buffering is required in Mixed Use Zone developments in which proposed residential lots abut existing developed parcels in the A-1, R-1, and R-2 Zones (as designated on the general plan map). In order for the lot size buffering requirement to apply, the zones must be contiguous. The adjacent Residential Zone shall consist of four or more existing homes, adjacent to the proposed project, for this requirement to apply. When applicable, higher density sub-areas within the development shall be placed closer to adjacent Commercial, Industrial, or Manufacturing Zones, or major roadways, rather than next to the existing A-1, R-1, or R-2 home lots.

(2) Residential lots in the proposed Mixed Use Zone development which are directly adjacent to the existing home lots shall conform to the following:

(a)

B. Mixed-Use developments in which single-family detached lots are adjacent to four or more homes in the A-1, R-1, and R-2 Zones shall be required to provide buffering, as outlined below.

1. Lots adjacent to existing A-1 and R-1 ~~home lots~~<sub>zones</sub> shall be 16,000 square feet or larger;

2. (b) Lots adjacent to existing R-2 ~~home lots~~<sub>zones</sub> shall be 8,000 square feet or larger;

(c) These lot size requirements shall apply only to the Mixed Use Zone lots directly adjacent to the existing home lots;

(d) If the existing home lots are separated from the new development by an existing public roadway of 40 or more feet in width, then this buffering is not required;

(e)

C. Regardless of any agreements outlined in the development agreement, all single-family homes, townhomes, or anything that has a driveway to a garage shall have a minimum setback of 20' from the property line, sidewalk or common space to the door of the garage.

D. Where applicable, developments which contain a variety of housing types shall place the most dense portion of the project adjacent to Commercial, Industrial, or Manufacturing Zones, or major roadways (I-15, 2100 South, Wilson Ln, 1900 West).

E. Lot size buffering shall not be required if open space is placed between the existing home lots and the new Mixed Use Zone lots, and the size of the open space is greater than, or equal to, twice the minimum lot sizes listed above.

1. The size of the open space is greater than, or equal to, the minimum lot sizes listed above; or

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2. The size of the open space, plus the applicable lot in the proposed Mixed Use Zone development, is greater than, or equal to, the minimum lot sizes listed above.

(f)

F. If a natural buffer exists which separates the existing home lots from the new lots in the proposed Mixed-Use Zone development, the area of this buffer shall be included in the calculation of the minimum lot sizes listed above. Natural buffers include: canals, public trails or walkways, government-owned land, utility-owned land, and the like;

(g) The overall density of the proposed Mixed Use Zone development may exceed that of the Residential Zone it adjoins as long as the above criteria are met; and

(h) Any exceptions to these buffering requirements must be approved by five or more votes of the Planning Commission.

(G) Once a rezoning application to the Mixed Use Zone development has been granted, improvements to the real property must begin within 365 days or the property may revert to its original zoning at the option of the city with 60 days' notice.

(1) Two 90-day extensions may be granted by the Planning Commission at the request of the developer.

(2) If at any time the development remains stagnant in construction or improvements for a period of 365 days, the city may, at its option, notify the developer of the intent for the city to revoke the Mixed Use Zone designation with 60 days' notice.

(Prior Code, § 23.08) (Ord. 2-92, passed 1992; Ord. 02-2019, passed 1-16-2019)

### § 157.31315 COMMERCIAL OVERLAY AND COMMERCIAL USES IN MIXED-USE.

A. (A) Mixed-Use Commercial Overlay areas are designed to encourage the establishment and retention of a variety of retail, entertainment, and personal service establishments to meet the needs of the community's residents, workers, and visitors. The following regulations are applicable only to Mixed-Use projects and not to projects in other zones which may fall within the boundaries outlined.

(B)

B. The following areas are designated as Commercial Overlay areas and are subject to the provisions of this section:

1. East of Interstate 15

a. North of 2100 South

i. 300 feet North from the edge of the right of way of 2100 South

ii. 300 feet East or West from the edge of the right of way of 1100 West

b. South of 2100 South

i. The entirety of the area South of 2100 South, to the West Haven City municipal borders.

2. The edge of the right of way is defined as that portion of the right of way closest to the property under consideration for development.

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3. Should the boundaries of the Commercial Overlay cover only a portion of any given parcel, that parcel shall still provide the required commercial, but it may be located on any portion of the parcel.
- C. A minimum of 20% of the gross project size for developments subject to the commercial overlay shall be dedicated to commercial development.
- D. All businesses allowed or conditionally allowedpermitted or conditional businesses in Zones C-1 and C-2 zones may be included in Mixed-Use Zones where commercial areas have been approved, designated, required or established. A conditionalwith similar use permit must be obtained for any business that would bedesignations (conditional or permitted), subject to the following stipulations:
1. At least 50% of the required to do so in either a C-1 or C-2 Zonecommercial space shall be dedicated to commercial uses which generate sales tax revenue.
- (C) Businesses that are permitted or conditional only in a C-3 Zone are specifically excluded from the Mixed Use Zone, with the exception of large retail stores, also known as big box stores, which are allowed in a Mixed Use Zone.
- (D) With the exception of Mandatory Commercial Overlay designations, not all Mixed Use Zone developments require a commercial component.
- (Prior Code, § 23.10) (Ord. 2-92, passed 1992; Ord. 02-2019, passed 1-16-2019)

- E. § 157.314 All uses within a commercial overlay area are subject to the architectural, landscaping and other standards outlined in West Haven code §157.730 – 157.737 “Design Review.”

### **§ 157.316 REGULATIONS FOR TEMPORARY STORAGE UNITS, CONTAINERS, AND STRUCTURES.**

- (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. 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 days for the outgoing resident and an additional 14 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 days if placed in the driveway of a residence and up to six months if placed behind a home, solid fence, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road. A valid current building permit is required. Permanent use of these temporary storage units, containers, or structures shall not be allowed in any Residential Zone on lots of less than one acre. One storage unit is allowed

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per acre but the maximum number 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, outbuilding, or other obstruction as to obscure the view of the unit, container, or structure from the road.

(D) 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, his or her property. By submitting an application to the city for a permanent or temporary storage unit, container, or structure, the applicant is certifying that he or she has full knowledge and understanding of those private covenants, conditions, or restrictions that run with his or her property and have a full understanding of whether those items prohibit the use of temporary or permanent storage units, containers, or structures.

(E) 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 on-site for up to 30 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 the Planning Commission.

(F) 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 the Planning Commission.

(G) All tractor trailers on an agricultural, residential, or commercial parcel shall be licensed and registered with the state and must be actively used. Trailers not involved in a construction project that remain in a fixed location over 30 days shall be subject to fines, impoundment, and removal by the city.

~~(Prior Code, § 23.12) (Ord. 23 2020, passed 6-17-2020)~~

### **§ 157.315 ENFORCEMENT AND FINES.**

Upon a determination that a violation exists, the Code Enforcement Officer, or his or her designee, may declare such violation a nuisance and follow remediation procedure as outlined in the West Haven Zoning Code 90.01-90.05. He or she 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 his or her designee, may determine.

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(Prior Code, § 23.12.010) (Ord. 23-2020, passed 6-17-2020)

**ORDINANCE NO. 14-2023**

**AN ORDINANCE OF WEST HAVEN CITY ESTABLISHING A FEE FOR FAILED  
BUILDING INSPECTIONS AND SETTING A FINE FOR VIOLATION OF  
OCCUPANCY STANDARDS**

**Section 1 – Recitals**

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

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by the laws of the State of Utah or any other provision of law; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding the inspection and occupancy of structures within West Haven City; and

WHEREAS, the City Council finds that certain fees and fines need to be established in order to encourage and ensure the proper inspection and occupancy of structures; 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 Code, Chapter 33: Finances and Taxation, shall be amended to include the following:

**§ 33.007      Building Department Fees/Fines**

- A) In addition to the building permit fee and valuation schedule found in West Haven City Code §151.15, the following fines and fees shall be assessed as determined by the Community Development Department:

<b>Violation</b>	<b>Fee</b>
Re-Inspection Fee	\$50.00
Re-Inspection Fee- 4-Way Inspection	\$100.00
Occupying a Structure Prior to Certificate of Occupancy	1% of permit value/day

- B) Re-Inspection Fees shall be charged when any given inspection has been failed twice and shall be charged on each subsequent inspection, beginning with the third, and continuing up until the inspection has passed.

- C) The fee for occupying a structure prior to the issuance of the certificate of occupancy shall be calculated beginning the date that the violation is discovered and continuing up until the time the certificate of occupancy is issued.
- a. The "permit value" is calculated as 1% of the total building fee and plan review fee, and does not include impact, inspection or bond fee.

The forgoing Recitals are fully incorporated herein.

#### **Section 2 – Prior Ordinances and Resolutions**

That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

#### **Section 3 – Repealer of Conflicting Enactments**

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

#### **Section 4 – Savings Clause**

If any provision of this Ordinance be held or deemed invalid, inoperative or unenforceable, such will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

#### **Section 5 – Date of Effect**

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 7<sup>th</sup> day of June, 2023

WEST HAVEN CITY

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Rob Vanderwood  
Mayor

ATTEST:

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Emily Green, City Recorder

**Resolution No. 25-2023**

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE  
AGREEMENT BETWEEN THE CITY AND NILSON LAND DEVELOPMENT, LLC,  
REGARDING THE POULTER FAMILY OPEN SPACE PRESERVE MONUMENT;  
AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION; AUTHORIZING  
THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY; AND,  
PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION I – RECITALS:**

WHEREAS, the City Council of 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 the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to entering into Contracts with regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, the City and Nilson Land Development, LLC, ("Developer") wish to enter into an agreement regarding the installation of the monument for The Poulter Family Open Space Preserve Monument ("Preserve") referenced in West Haven City Resolution 20-2023; and

WHEREAS, in Resolution 20-2023, the City agreed to construct and install a monument at the Preserve with specific language honoring the contributions of the Poulter Family to the West Haven City area; and

WHEREAS, the Developer is willing to design, fund, construct, and install this monument to meet the requirements of Resolution 20-2023 and to do so within the timeframes outlined in Resolution 20-2023; and

WHEREAS, the City feels that adopting this Agreement will best serve the citizens of the City, and now desires to adopt the Agreement that is attached as Attachment A by accepting the terms thereof; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions herein contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of West Haven as follows:

**SECTION II. :**

1. That the Agreement between West Haven City and the Developer, a copy of which is attached as Attachment A to this Resolution, is hereby adopted by the City Council.
2. That the City Manager is authorized to sign any and all documents necessary to effect this Agreement, including signing the Agreement itself.

3. That the Mayor is authorized to sign this Resolution adopting the Improvement Agreement.

The foregoing recitals are fully incorporated herein.

#### **SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

#### **SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:**

All orders, 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 Resolution, 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 V - SAVINGS CLAUSE:**

If any provision of this Resolution 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 Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of West Haven City.

#### **SECTION VI. DATE OF EFFECT**

This Resolution shall be effective immediately upon its passage on the 7th day of June, 2023.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 7th day of June, 2023.

WEST HAVEN CITY

\_\_\_\_\_  
Mayor Rob Vanderwood

ATTEST:

\_\_\_\_\_  
Emily Green, City Recorder

**ATTACHMENT “A”**

AGREEMENT BETWEEN NILSON LAND DEVELOPMENT, LLC, AND WEST HAVEN  
CITY

DRAFT

**AGREEMENT**  
**The Poulter Family Open Space Preserve Monument**

This Agreement (this “**Agreement**”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, (the “**Effective Date**”), by and among West Haven City, a municipality and political subdivision of the State of Utah (the “**City**”) and Nilson Land Development, LLC (the “**Developer**”). The City and Developer may from time to time be collectively referred to as the “**Parties**,” and each may be referred to individually as “**Party**.”

**RECITALS**

A. The City has been granted property for the establishment of The Poulter Family Open Space Preserve (the “**Preserve**”), a perpetual open space preserve, by the Poulter family. The Preserve is located within the boundaries of the Green Farms development, which is being developed by the Developer.

B. As a condition of the granting of the property, the City is required to construct a monument at the entrance to the Preserve property which will include language honoring the Poulter family’s settling in the West Haven area. The language to be included on the monument has been agreed to by the City in its adoption of Resolution 20-2023 on May 3, 2023.

C. As a condition of the granting of the property, the City has agreed to cause the monument to be constructed and installed by December 31, 2023.

D. The Developer is willing to design, fund, construct, and install the monument to meet the requirements set out in Resolution 20-2023, as adopted by the City on May 3, 2023.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

**ARTICLE I**  
**LEGAL AUTHORITY AND PURPOSE**

1.1 **City Laws and Purpose.** The City represents that it has the legal authority to enter into and perform its obligations under this Agreement and that the City has determined that this Agreement effectuates the above-referenced public purposes, objective and benefits.

**ARTICLE II**  
**MONUMENT DESIGN, FUNDING, CONSTRUCTION, AND INSTALLATION**

**2.1 Developer Obligations**

**2.1.1 Design.** The Developer agrees to design the monument in a manner and location substantially similar to that shown in Exhibit A. The language included on the monument shall meet the requirements set out in Resolution 20-2023, adopted by the City on May 3, 2023.

**2.1.2 Funding.** The Developer agrees to fund the design, construction, and installation of the monument.

**2.1.3 Construction.** The Developer agrees to construct or cause to be constructed the monument in a manner and in a location substantially similar to and that shown in Exhibit A.

**2.1.4 Installation.** The Developer agrees to install the monument at the entrance to The Poulter Family Open Space Preserve no later than December 31, 2023.

**2.2 City Obligations**

**2.2.1 Approval.** The City hereby approves the concept design and location of the monument shown in Exhibit A.

**2.2.2 Access.** The City agrees to provide unfettered access to the Developer to The Poulter Open Space Preserve property for the purposes of monument construction and installation.

**2.2.3 Maintenance.** The City agrees that the Developer shall have no obligation to maintain the monument after its installation.

**ARTICLE III DEFAULT AND  
COSTS**

**3.1 Default.** In the event of a failure by any party to comply with the commitments set forth herein, within thirty (30) days of written notice of such failure from the other party, the non-defaulting party shall have the right to pursue any or all of the following remedies, which right shall be cumulative:

3.1.1 To cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement; and

3.1.2 To enforce all rights and remedies available at law and in equity including but not limited to, injunctive relief, specific performance and/or damages.

- 3.2 **Court Costs and Attorney's Fees.** In the event of any legal action or defense between the Parties arising out of or related to this Agreement, or any of the documents provided for herein, the prevailing party shall be entitled, in addition to the remedies and damages, if any awarded in such proceedings, to recover their costs and reasonable attorneys' fees.

## ARTICLE IV GENERAL MATTERS

- 4.1 **Amendments.** Any alteration or change to this Agreement shall be made only after complying with the same procedures followed for the adoption and approval of this Agreement.
  - 4.2 **Laws and Forum.** This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns and shall be construed in accordance with Utah law. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Weber County, Utah.
  - 4.3 **Legal Representation.** Each of the parties hereto acknowledge that they either have been represented by legal counsel in negotiating this Agreement or that they had the opportunity to consult legal counsel and chose not to do so.
  - 4.4 **No Third-Party Rights.** Unless otherwise specifically provided herein, the obligations of the Parties set forth in this Agreement shall not create any rights in or obligations to any other persons or third parties.
  - 4.5 **Notices.** All notices shall be in writing and shall be deemed to have been sufficiently given or served when presented personally or when deposited in the United States mail, by registered or certified mail, addressed as follows:

The City: West Haven City  
4150 W. 3900 W.  
West Haven, Utah 84401  
Attention: Matthew Jensen

The Developer: Nilson Land Development, LLC  
5617 S 1475 E #4572  
Ogden, UT 84403  
Attention: Bryan Bayles

Such addresses may be changed by notice to the other party given in the same manner as

above provided. Any notice given hereunder shall be deemed given as of the date delivered or mailed.

- 4.6 **Entire Agreement.** This Agreement, together with the Exhibit attached hereto, and documents referenced herein contain and constitute the entire agreement.
- 4.7 **Effective Date.** This Agreement shall be effective upon the signing and execution of this Agreement by all Parties, which, upon its occurrence, shall be deemed to have occurred as of the Effective Date.
- 4.8 **Termination.** This Agreement shall terminate upon mutual written agreement of the parties hereto, or one year after the Effective Date.
- 4.9 **Further Action.** The Parties hereby agree to execute and deliver such additional documents and to take all further actions as may become necessary or desirable to fully carry out the provisions and intent of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have executed this Development Agreement.

WEST HAVEN CITY, a municipality and political subdivision of the State of Utah

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Nilson Land Development, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

## **RESOLUTION 26-2023**

### **A RESOLUTION OF WEST HAVEN CITY, UTAH, ESTABLISHING JUNETEENTH AS A CITY OBSERVED HOLIDAY; AND ESTABLISHING AN EFFECTIVE DATE.**

#### **Section 1. Recitals**

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

WHEREAS, in conformance with the provisions of UCA §10-3-717, the City Council as the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the Congress of the United States has created a National Holiday on June 19th of each year to commemorate the date upon which the last slaves were notified that the Civil War had ended and they were free, to be known as Juneteenth; and

WHEREAS, the Governor of the State of Utah in recognition of the Juneteenth National Holiday has proclaimed June 19 as a Utah State Holiday; and

WHEREAS, the City Council finds that it wishes to establish Juneteenth as a City observed holiday, in conformity with federal and state government; and

WHEREAS, the City Council finds that it has the legal authority to proceed as described herein; and,

WHEREAS, the City Council finds that establishing Juneteenth as a City observed holiday is consistent with state and federal law, and will promote the safety, health, morals, and general welfare of the residents of West Haven City; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN UTAH THAT:

#### **Section 2.**

- A. The City Council hereby adopts the National and State Holiday officially proclaimed as Juneteenth to be celebrated on the 19<sup>th</sup> day of June of each year by the City of West Haven. The observation of the holiday will be governed by those policies outlined in the West Haven City Employee Handbook for the observation of outlined holidays.
- B. The Mayor is authorized to sign this Resolution.
- C. The foregoing Recitals are fully incorporated herein.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage.

**Section 3. Repealer of Conflicting Enactments**

All orders 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 Resolution, 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 4 - Prior Resolutions**

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

**Section 5 - Savings Clause**

If any provision of this Resolution 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 Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of West Haven City.

**Section 6. Date of Effect**

This Resolution shall be effective on the 7<sup>th</sup> day of June, 2023, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY,  
STATE OF UTAH, on this 7<sup>th</sup> day of June 2023.

WEST HAVEN CITY

\_\_\_\_\_  
Mayor Rob Vanderwood

ATTEST:

\_\_\_\_\_  
Emily Green, City Recorder