

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 – 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which have been adopted by the City, or parts thereof, which conflict with this Ordinance are, for such conflict, repealed, except that this repeal will not be construed to revive any act, order or resolution, or part.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 5th day of July, 2023

WEST HAVEN CITY

Rob Vanderwood
Mayor

ATTEST:

Emily Green, City Recorder

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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: open space, residential, recreational, cultural/institutional, and/or commercial uses.
- B. Definitions: The below terms, as contained in this ordinance, shall have the following meaning(s):
- ~~1. Courtyard: Outdoor spaces which are located within or which are enclosed on three or four sides by a building or group of buildings.~~
 - 1. Community Center: A building designed to be a public gathering location where a variety of group activities, events, classes, social support services, and other public informational services can be found.
 - 2. Gross Project Size: the total acreage of the property under consideration for development, inclusive of all open space, parking areas, and rights of way (public and private).
 - 3. Library: A room, group of rooms, or a building containing collections of books, periodicals, films and other media for the public to read, borrow, or refer to.
 - 2.4. Trail: An unpaved lane or small paved road (less than 16' wide) not intended for usage by motorized vehicles and which usually passes through a natural area or which surrounds publicly accessible parks and other open space.
 - 3.5. Park: Large areas of land that feature grass, trees, and other landscape elements, arranged for both passive and active recreation purposes.
 - 4.6. Plaza: A paved public space for citizens to gather for civic, commercial, or other reasons.
- C. Developers shall choose from the following elements in order to qualify for the above-listed elements. At least one of the options listed for each element is required:

5.1. 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.

6.2. Cultural/Institutional

- i. Community center (must be a minimum of 1600 square feet)
- ii. Library (must be a minimum of 1600 square feet)
- iii. Other publicly accessible cultural/institutional amenity, subject to review and approval of the Planning Commission

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7.3. 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 general public. Open space may include the following:
 1. Plazas Trail
 - ~~2. Courtyards~~
 - ~~3.2. Trails Park~~
 - ~~4.3. Parks Plaza~~
- 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.

8.4. 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.~~

9.5. Residential

- i. A mix of at least two different housing types: single-family detached, single-family attached (townhomes, twin homes), multi-family (apartments); or
- ii. Residential uses where there is a combination of commercial and residential uses, sometimes called "live-work units"; or
- iii. Clustering of residential units
- iv. Where multiple housing types are developed, no housing type shall exceed more than eighty-percent (80%) of the total number of units.

D. In order to ensure the maximum benefit to the general public, all publicly accessible amenities shall:

1. Be placed on the exterior of the project to ensure greatest visibility;
2. Be provided with signage indicating the amenities are open to the use of the general public; and

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3. Be provided with parking which complies with the West Haven City parking standards.

§ 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. ~~All mixed-use projects in West Haven City not otherwise classified herein.~~ Not permitted as a mixed-use project.
2. Medium-Low Density is five to 8.9 dwelling units per project acre;
 - i. ~~Those areas West of 1900 West and East of 3500 West, North of 3300 South.~~ 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
5. ~~No mixed-use districts involving apartments are permitted west of 1900 West.~~ Mixed use projects shall not be permitted West of 1900 West.

§ 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.

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§157.313 MIXED-USE DEVELOPMENT AGREEMENT

- A. West Haven code §157.730 – 157.737 outlines design criteria for multi-family and commercial projects. Mixed Use projects involving multi-family dwellings and/or commercial 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 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 ~~250~~ 250' 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.

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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.

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(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.