

# TITLE 15 - Land Use Regulations

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## Huntsville Town Ordinance – Title 15.6 Residential Zone R-1

### **15.6 RESIDENTIAL ZONE R-1**

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#### **15.6.1 Purpose<sup>1</sup>**

The purpose of the R-1 zone is to designate regulations on areas to be designated for use for residential purposes.

#### **15.6.2 Use Regulations<sup>2</sup>**

Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1. In Residential Zone R- 1, the following uses are subject to the respective conditions:

- A. Single-family dwellings.
  - 1. Only one single-family dwelling is allowed on an approved R-1 building lot.<sup>34</sup>
    - a. A single-family dwelling shall not be added to or enlarged if the addition or enlargement is a separate dwelling attached to the existing single-family dwelling with a breezeway or extension of the roof. Such additions or enlargements shall be considered to be separate dwellings and are prohibited. Nothing in this ordinance shall be construed to allow two dwelling units to be built on a single residential lot regardless of whether the structures are

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<sup>1</sup> Amended 11-07-2020 13: To add a Specific Development Plan Overlay Zone.

<sup>2</sup> Amended 7-30-2020: Various Amendments - see Ordinance 2020-7-30.

<sup>3</sup> Amended 9-06-2012: Added: If a single-family dwelling is rented for less than 90 days, you need a business license.

<sup>4</sup> Amended 10-16-2014: Deleted: If a single-family dwelling is rented for less than 90 days, you need a business license.

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- attached by a breezeway, roof extension or other attachment except as allowed in 15.8.5<sup>5</sup>
2. No single-family dwelling or a portion thereof, shall be rented for a term less than 30 days.
  3. No single-family dwelling, or portion thereof, shall be rented or used while occupied by the respective owner, except as provided for in the Title 15.18.5.<sup>67</sup>
  4. No single-family dwelling shall be occupied by more than four families, or combination of unrelated groups, within a 12-month period.<sup>8</sup>
- B. Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.
- C. A Residential Zone Bed and Breakfast subject to the following standards:
1. Two parking spaces shall be provided for the family plus one space for each guest room.
  2. No parking may be located on the public thoroughfare;
  3. Proprietor or owner must occupy the dwelling;
  4. Meals may only be served to overnight guests;
  5. Not more than three (3) guests sleeping rooms per dwelling;
  6. Allowed only in existing dwellings with no exterior additions nor change in residential character;
  7. Business license must be obtained;
- D. Signage as regulated under Title 15.21.
- E. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing residence is used as a temporary residence during construction of a new residence, upon issuance of the occupation permit for the new residence, the old residence must be removed within thirty (30) days.
- F. Home occupations as regulated under Title 15.18.
- G. Accessory Structures or Buildings. No accessory structure or building, or portion thereof, shall be rented as a dwelling unit- -including in-kind considerations.
- H. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) residence, except as outlined in E above.

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<sup>5</sup> Amended 5-2-2023: Ordinance #2023-2-23: Added paragraph 15.6.2.A.1.a

<sup>7</sup> Amended 11-2-2023: Ordinance #2023-6-22: wording changed to add “or used while occupied by the respective owner, except as provided for in the Title 15.18.5.”

<sup>7</sup> Amended 10-16-2014: Added: No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days. Violations will be subject to a Class B misdemeanor.

<sup>8</sup> Added 7-15-2021: Ordinance #2021-2-2.

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### 15.6.3 Area Regulations

The minimum lot area for a single-family dwelling shall be not less than thirty- two thousand six hundred and seventy (32,670) square feet, which is three-quarters (3/4) of an acre.

### 15.6.4 Frontage Regulations<sup>9</sup>

- A. The minimum width of a lot, for a single-family dwelling, along the street frontage shall be one hundred thirty (130) feet. Where the lot frontage is on a cul-de-sac, the one hundred thirty (130) foot width requirement shall be along the front property boundary line running from one radial property side boundary to the other and measured perpendicular to the circumference of the cul-de-sac. Alleys shall not be considered street frontage unless the Town designates it as such where no other street frontage is available.
- B. The frontage requirement minimum is one hundred twenty (120) feet when an alleyway is the only reason for not being able to provide one hundred thirty (130) feet of frontage.
- D. Transverse lot splitting will not be allowed if the frontage requirements stated in items A. and B. are not met for the newly formed lots.
- E. Primary vehicular access to the lot shall be from the frontage,<sup>10</sup> unless lot is on corner of two public streets. If so, vehicular access can be from either street. If vehicular access on a corner lot is not designated as the frontage, the driveway or garage set-back should be no less than twenty (20) feet from the property line and the frontage set-back no less than thirty (30) feet from the property line. Primary vehicular access is defined as the access used to access the residence the majority of the time.
- F. Primary vehicular access to lot must be identified on submitted site plan.

### 15.6.5 Every Dwelling is to be on a “Lot”

Every dwelling shall be located and maintained on a “lot” as defined in this ordinance; such lot shall have the required frontage on a public street or on a right-of-way which has been approved by Huntsville Town. No building may be located upon any area on the lot covered by an easement.

### 15.6.6 Front Yard Regulations

- A. The minimum depth of the front yard for the dwelling and for private garages shall be thirty (30) feet from the property line.
- B. No obstruction to view in excess of two (2) feet in height shall be placed or permitted to remain on any corner lot within a triangular area formed by the street property lines and a line connecting

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<sup>9</sup> Amended 2-3-2011: Added last sentence to paragraph A. and paragraphs D. and E.

<sup>10</sup> Amended 11-21-2019: Ordinance #2019-11-21. Added corner lot set backs.

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them at points twenty (20) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

### 15.6.7 Side Yard Regulations<sup>11</sup>

- A. The minimum side yard for any dwelling, private garage or accessory building shall be ten (10) feet. Measurement of the side yard shall be the distance between the wall of a structure (above or below ground) and the side property line. If the wall is built straight up from the foundation, the measurement can be made from the foundation wall. The only portion of the structure allowed to violate the ten (10) foot setback is a roof eave extending out eighteen (18) inches or less.<sup>12</sup>
- B. Where the rear of a residential lot abuts the side of an adjoining residential lot, the minimum side yard for any dwelling shall be ten (10) feet. The minimum side yard for a private garage or accessory building shall not be less than ten (10) feet.
- C. Where the side of a residential lot abuts an alley, the minimum side yard for any residence will be ten (10) feet from the alley boundary. The minimum side yard for a garage or accessory building that abuts an alley will be one (1) foot measured from the alley boundary.

### 15.6.8 Rear Yard Regulations

The minimum depth of the rear yard for any main building shall be thirty (30) feet, and for accessory buildings not less than ten (10) feet, except that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard. Where alleys exist, the accessory building distance shall be one (1) foot from the alley boundary.

### 15.6.9 Height Regulations

- A. No building shall be erected to a height greater than two and one-half (2- 1/ 2) stories or thirty-five (35) feet.
- B. No dwellings shall be erected to a height of less than one (1) story above ground.
- C. No building which is accessory to a single-family dwelling shall be erected to a height greater than thirty-five (35) feet.
- D. Building, Height of: the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof.<sup>13</sup>

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<sup>11</sup> Amended 4-18-2019: Ordinance #2019-3-28 Deleted requirement for total width between buildings to be twenty (20) feet. Side set back is ten (10) feet.

<sup>12</sup> Amended 11-10-2016: To change Title 15.6.7.A.

<sup>13</sup> Amended 3-16-2017: To add Paragraph D. to Title 15.6.9: Height Regulations.

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### **15.6.10 Coverage Regulations**

- A. No single building shall cover more than twenty-five (25) percent of the area of the lot or parcel upon which it resides.<sup>14</sup>
- B. No group of building (including dwellings and accessory structures), in aggregate, shall cover more than thirty-five (35) percent of the area of the lot or parcel upon which they reside.<sup>15</sup>

### **15.6.11 Special Provisions**

The above specified uses shall be permitted only under the following conditions:

- A. Public health requirements concerning domestic water supply and sewage disposal shall comply with State and Weber/Morgan County requirements. A septic tank certificate of design approval from the Weber/Morgan County Health Department shall be required in all applications for a building permit.
- B. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the Huntsville Town Engineer wherein no buildings or structures shall be constructed, or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this ordinance, adequate measures must be taken as determined by the Appeal Authority so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
- C. The required yard space shall be kept free of debris, refuse, or other flammable material which may constitute a fire hazard, as further defined in the Huntsville Town Nuisance Title.

### **15.6.12 Lots in Separate Ownership**

The requirements of this Title as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this ordinance becomes effective.

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<sup>14</sup> Amended 3-7-2019: Ordinance #2019-2-28 section 15.6.10.A - changed from "No buildings, structures, or group of buildings (including accessory buildings) shall cover more than sixty (60) percent of the area of the lot." to "No single building shall cover more than twenty-five (25) percent of the area of the lot or parcel upon which it resides."

<sup>15</sup> Amended 3-7-2019: Ordinance #2019-2-28 section 15.6.10.B - Changed from "No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard." To "No group of buildings (including dwellings and accessory structures), in aggregate, shall cover more than thirty-five (35) percent of the area of the lot or parcel upon which they reside."

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### **15.6.13 Yard Space for One Building Only**

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

### **15.6.14 Sale or Lease of Required Space**

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.

### **15.6.15 Sale of Lots below Minimum Space Requirements**

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

### **15.6.16 Swimming Pools<sup>16</sup>**

A family swimming pool shall be permitted in the side or rear yard of a dwelling as an accessory use, only under the following conditions:

- A. The location of such family swimming pool or accessory machinery shall not be less than ten (10) feet from the dwelling's property boundaries. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard setback for an accessory building.
- B. An outdoor family swimming pool shall be completely enclosed by a substantial fence of not less than six (6) feet in height or a power safety cover meeting the requirements of the International Building Codes. Lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A "substantial fence" means any fence that will not allow normal passage by any person except through an otherwise locked gate.

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<sup>16</sup> Amended 8-6-2009: 15.6.16 was added to include a section on swimming pools.