

Fact Sheet for Proposed Non-Complying Building Amendments

Background

As presently constituted, Title 15.17.3 of the Huntsville Town Municipal Code prohibits any additions or enlargements to non-complying buildings. Typically, a non-complying building is a structure that does not conform to the setback requirements or height restrictions for its respective zone. The proposed amendment to the ordinance would allow limited enlargement of a non-complying building if the addition meets certain requirements pertaining to land use regulations, gross floor area size, footprint size, and parcel conformance.

Summary of Proposed Changes:

The amendment would allow additions or enlargements to non-complying buildings if:

- The addition or enlargement complies with the land use regulations of the respective zone (i.e., setback requirements, height restrictions, etc.)
- The gross floor area and the footprint of the addition do not exceed the gross floor area or footprint of the existing building (i.e., the addition can't be larger than the existing building).
- The lot upon which the building is located must conform to the frontage and size requirements of its respective zone.

**HUNTSVILLE TOWN
ORDINANCE 2018-XX-XX**

ADDITIONS AND ENLARGEMENTS OF NON-COMPLYING BUILDINGS OR STRUCTURES

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.17.3 NONCOMPLYING BUILDINGS, NONCONFORMING USES, AND PARCELS - ADDITIONS AND ENLARGEMENTS: REVISING SUB-PARAGRAPH B TO ALLOW ADDITIONS AND ENLARGEMENTS TO NON-COMPLYING BUILDINGS OR STRUCTURES SO LONG AS SUCH ADDITIONS OR ENLARGEMENTS CONFORM TO ALL LAND USE REGULATIONS AND MEET CERTAIN SIZE REQUIREMENTS.

RECITALS

- A. WHEREAS**, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on December XX, 2018 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on December XX, 2018;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on January XX, 2019 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The Huntsville Municipal Code is hereby amended to read as follows:

15.17.3 Additions and Enlargements

- A. A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located.
- B. ~~A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with building regulations of the zone in which it is located. A non-complying building or structure shall not be added to or enlarged in any manner, unless:~~
 - 1. Such additions or enlargements comply with all of the regulations of the zone in which the non-complying building or structure is located;

2. A Conditional Use Permit is approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission;
3. The gross floor area of the addition or enlargement does not exceed the gross floor area of the existing non-complying building or structure;
 - a. The calculation of the gross floor area of the existing non-complying building or structure under 15.17.3.B.3 shall exclude any gross floor area attributable to existing garage space.
4. The building footprint of the addition or enlargement does not exceed the building footprint of the existing non-complying building or structure;
 - a. The calculation of the building footprint of the existing non-complying building or structure under 15.17.3.B.4 shall exclude any portion of the building footprint solely attributable to existing garage space.
5. The parcel or lot upon which the non-complying building or structure is located conforms to the current area and frontage requirements for its designated zone.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferre'				
CM McKay				
CM Bill Wangsgard				
CM Bill White				

PASSED AND ADOPTED by the Town Council on this XX day of January 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this XX day of January 2019