

**HUNTSVILLE TOWN
ORDINANCE 2018-12-06**

TEMPORARY LAND USE REGULATION (MORATORIUM)

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, ADOPTING A TEMPORARY LAND USE REGULATION IN ACCORDANCE WITH UTAH CODE ANNOTATED §10-9-504; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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**, *Utah Code Annotated* 10-9-504 authorizes the Town Council to, “without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality” based upon certain criteria;
- D. **WHEREAS**, the Town makes the necessary finding that there is of compelling, countervailing public interest that supports this Ordinance;
- E. **WHEREAS**, The Town desire to implement an amendment to the land use regulations of the Town in order to manage development of structures under the municipal code;
- F. **WHEREAS**, the Town requires a period of time not to exceed six (6) months in order to prepare and draft the ordinance amendment;

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 Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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: Temporary Land Use Regulation. The Huntsville Town Council hereby imposes the following Temporary Land Use Regulation to read as follows:

- 1. Statement of Facts and Findings. Based upon the facts herein, the Town Council hereby makes the following finding of fact and findings in support that compelling, countervailing public interest exists to support this Ordinance:
 - a. The Town is primarily comprised of a subdivision of single-family homes situated on three-fourth (¾) acre lots. The General Plan envisions a semi-rural atmosphere with large lots, low density, in a single-family atmosphere.
 - b. Timeshare ownership of land or homes or fractured or shared ownership among non-related families or entities is incompatible with the General Plan. The success of the

Town is wholly dependent upon the stability of full-time residents who volunteer to fulfill all of the Town's leadership roles and other important volunteer positions.

- c. The Town has been discovered as a desirable vacation destination and the percentage of part-time residents as compared to full-time residents has risen dramatically, putting a severe strain on Town's ability to recruit sufficient volunteers to operate successfully.
- d. The lack regulations on time-share type ownership will disrupt municipal services where the Town lacks full-time residents it not relies on to provide municipal services, there are unknown impacts potentially related to the culinary water system that is lacking in the Town, and other resources can be strained if there is not adequate time to address regulations that can mitigate impacts experienced in resort area which present a compelling and contravening public interest to the Town as it is presently ill equipped to handle such impact without preparing additional regulations.
- e. The Town Council finds that the Planning Commission requires up to six (6) months from the date of Approval of this Ordinance to study the impacts of timeshare and fractured ownership of residential properties located within Town and to draft appropriate ordinance(s) to regulate the ownership of properties as timeshares or fractured ownership among non-related parties.
- f. The Town finds that this Ordinance is a Temporary Land Use Regulation and it does not impose an impact fee or other financial requirement on building or development.

2. **Moratorium.** The Town Council hereby prohibits the erection, construction, reconstruction, or alteration of any building or the sale of any property whose intended use is a shared ownership scheme wherein more than one non-related person or entity co-owns the property with the use of said property divided between owners by set allotments of time. Further, no person or entity that owns property within Town shall make said property available for the use of multiple non-related parties as an inducement to purchase other property or services from the owner of the property. This moratorium shall be in effect for a period not to exceed six (6) months from the date this Ordinance is adopted.


3. **Headings.** The headings used in this Ordinance are for convenience purpose and afford no legal right or interpretation.

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.

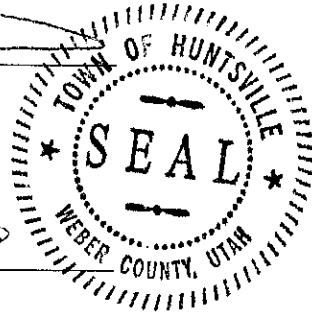
VOTES:	AYE	NAY	RECUSED	EXCUSED
Mayor Truett	X			
CM Max Ferre'	X			
CM Bill White	X			
CM Wendy McKay	X			
CM Bill Wangsgard	X			

PASSED AND ADOPTED by the Town Council on this 6th day of December, 2018.


JIM TRUENT, Mayor

ATTEST:


BECKKI ENDICOTT, Recorder



POSTED and RECORDED this ___ day of December, 2018