

**HUNTSVILLE TOWN  
ORDINANCE 2018-11-01**

**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1:**     **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.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. That an Application for a Land Use Permit for a structure was filed by Barry Whitehead with the Town for a structure in a Residential Zone for Weber County Parcel Number 240110005.

- b. That the Planning Commission at its regular meeting on August 25, 2016, approved the Land Use Permit so that a Building Permit could be issued by Weber County based upon the approval of the Planning Commission.
  - c. The Town finds that the plans submitted to obtain the Building Permit substantially differ from those approved by the Planning Commission and include additional dwellings with additional plumbing facilities that the Planning Commission was not informed about and did not approve.
  - d. That Town finds that the development in the Application filed by Barry Whitehead was to be completed according to the Planning Commission approval, and that the Town finds that the Application is now expired for failure to obtain inspection within the required time allowed by the municipal code.
  - e. The Town Council finds that the Planning Commission requires up to six (6) months from the date of Approval of this Ordinance to amend the municipal code to account for additional plumbing facilities and water use for Land Use Permits seeking additional dwelling and plumbing capacity to ensure there is adequate septic facilities and water source capacity. Nothing in this part is to be interpreted to preclude the Planning Commission from recommending the appropriate amendments sooner than six (6) months.
  - f. That the Town Council finds that plans submitted to the Planning Commission that differ from those used to obtain a Building Permit create havoc with the interpretation of the municipal code relating to the construction of accessory buildings that have additional dwelling capacity and plumbing facilities and that contravening and countervailing public interest exist to support the Town adopting additional regulations to protect public health, safety, and welfare.
  - g. That the Town finds there is a risk that additional Land Use Permit applications may be filed that seek for approval of accessory buildings with additional dwelling capacity with plumbing facilities.
  - h. The Town finds that public health, safety, and welfare is at risk in the event that additional dwelling space using additional water is sought in an application where septic systems are inadequate and the municipal code does not adequately regulate such.
  - i. The Town finds that addition impacts on existing septic systems may risk overflow and contamination of the soils by overwhelming septic facilities without additional regulations in place to protect the public for possible contamination.
  - j. The Town finds that proper septic system operation is necessary to ensure health, welfare and safety of the community and prevent the spread of disease, contamination, and infections.
  - k. That Town finds that the Utah Division of Drinking Water has notified that the Town that the Town has over-allocated the Town's water source capacity and there is inadequate water to support additional dwelling with plumbing facilities on lots in the Town.
  - l. That Town finds that the lack of water present a compelling and countervailing public interest in the event there is inadequate water for fire suppression, domestic purpose, and sanitation that can dangerously impact the Town and present a danger to public health, safety, and welfare as shortage of water source capacity are occurring.
  - m. 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 structure that required plumbing facilities for a period not to exceed six (6) months from the date this Ordinance is adopted.

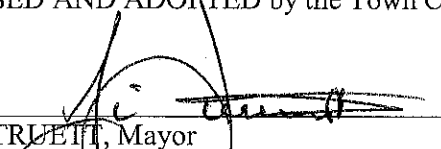
3. Headings. The headings used in this Ordinance are for convenience purpose and afford no legal right or interpretation.

**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:	
AYES:	
Mayor Truett	X
CM Max Ferre'	X
CM Bill White	X
CM Wendy McKay	X
CM Bill Wangsgard	X
NAYS:	
RECUSED:	
EXCUSED:	

PASSED AND ADOPTED by the Town Council on this 1st day of November, 2018.

  
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JIM TRUETT, Mayor

ATTEST:  
  
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BECKKI ENDICOTT, Recorder



POSTED and RECORDED this 1 day of November, 2018